

STATE OF COLORADO

OFFICE OF THE GOVERNOR

136 State Capitol Building
Denver, Colorado 80203
Phone (303) 866-2471
Fax (303) 866-2003



John W. Hickenlooper
Governor

D 2012-012

EXECUTIVE ORDER

Declaring a Disaster Emergency Due to the Hewlett Fire in Larimer County

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 declaring a state of disaster emergency due to the Hewlett Fire in Larimer County, Colorado.

I. Background and Purpose

The Hewlett Fire was reported on May 14, 2012, in the Canyon Lakes Ranger District of the Roosevelt National Forest. The fire is located approximately 20 miles northwest of Fort Collins, 10 miles west of the junction of Highway 14 and Highway 287 near the Hewlett Gulch Trail in the Poudre Canyon. The fire has grown east to Seaman Reservoir, north to within half of a mile of the southeast corner of Glacier View subdivision, and west to the North Fork of the Poudre River and north of Highway 14. Fire size is estimated at 5,090 acres.

At approximately 1900 hours on May 16, 2012 the Colorado State Forest Service received a request from the Larimer County Sheriff to assume charge of the Hewlett Fire in accord with the Emergency Fire Fund Agreement. The State accepted the Hewlett Fire as an Emergency Fire Fund designated fire and verbally notified the Larimer County Sheriff at 2126 hours on May 16, 2012 with an effective time of 0600 on May 17, 2012. With the disaster declaration made in this executive order, the State is accepting the Hewlett Fire as a Disaster Emergency Fund designated fire.

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 Hewlett Fire's proximity to numerous homes and property poses an imminent danger to life and property and, therefore, constitutes a disaster for the purposes

of the Act. On May 17, 2012, I activated the National Guard to assist in fighting the fire. See Executive Order D 2012-011.

II. Declaration and Directives

- A. The Hewlett Fire hereby constitutes a disaster emergency for purposes of C.R.S. § 24-32-2103. My verbal order given at 2112 hours on May 16, 2012, declaring a state disaster emergency is hereby memorialized by this Executive Order and shall have the full force and effect of law as if it were contained within this Executive Order.
- B. The State Emergency Operations Plan is hereby activated pursuant to C.R.S. § 24-32-2502. 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.
- C. Pursuant to C.R.S. § 24-32-2106, \$3 million in the Disaster Emergency Fund is encumbered to pay for fire suppression efforts related to the Hewlett Fire since its inception. The \$3 million is transferred from the major medical insurance fund, created in C.R.S. § 8-46-202(1)(a) into the Disaster Emergency Fund. The Colorado State Forester working in conjunction with the Director of Colorado Division of Emergency Management is hereby authorized and directed to allocate the funding to the appropriate government agencies. These funds shall remain available for this purpose for one year from the date of this Executive Order, and any unexpended funds shall remain in the Disaster Emergency Fund.
- D. 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.

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(C) 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 seventeenth day of
May, 2012.

A handwritten signature in blue ink, appearing to read "John W. Hickenlooper".

John W. Hickenlooper
Governor