

STATE OF COLORADO

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John W. Hickenlooper
Governor

D 2012-014

EXECUTIVE ORDER

Declaring a Disaster Emergency Due to the High Park Fire

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 wildfire in Larimer County, Colorado.

I. Background and Purpose

On June 9, 2012 it was brought to the attention of the administration that a fire was threatening homes and property in forested mountain terrain in Larimer County. The wildfire was exacerbated by high winds and has grown in multiple directions. As of this Executive Order, 18 structures (including homes and outbuildings) are confirmed lost or damaged and 300-foot flames have been visible from Fort Collins. Approximately 2,600 evacuation notifications have been sent for multiple areas threatened by this fire. At approximately 1919 hours on June 9th, the Federal Emergency Management Agency (FEMA) accepted the High Park Fire as a fire qualifying for a Fire Management Assistance Grant.

At approximately 1500 hours on June 9th the Colorado State Forest Service received a request from the Larimer County Sheriff to assume charge of the High Park Fire in accord with the Emergency Fire Fund Agreement. The State accepted the High Park Fire as an Emergency Fire Fund designated fire at midnight on June 9th. With the disaster declaration memorialized by this Executive Order, the State is accepting the High Park 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 High Park Fire's proximity to numerous homes, property, and

critical infrastructure poses an imminent danger to life and property and, therefore, constitutes a disaster for the purposes of the Act. On June 9, 2012, I verbally activated the National Guard to assist in fighting the fire and to enforce the laws of the State of Colorado and have authorized the use of National Guard assets.

II. Declaration and Directives

- A. The High Park Fire constitutes a disaster emergency for purposes of C.R.S. § 24-32-2103. My verbal order of June 9, 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, \$20 million in the Disaster Emergency Fund is encumbered to pay for fire suppression efforts related to the High Park Fire since its inception. The \$20 million is transferred into the Disaster Emergency Fund from two sources: \$12 million from the Major Medical Insurance Fund, created in C.R.S. § 8-46-202(1)(a); and \$8 million from the Perpetual Base Account of the Severance Tax Fund, created in C.R.S. 39-29-109(2)(a)(II). The Colorado State Forester working in conjunction with the Director of Colorado Division of Emergency Management is hereby authorized and directed to allocate that funding to the appropriate government agencies. Those 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.
- D. In addition to the funds encumbered pursuant to paragraph II(C) of this Executive Order for the purpose of fighting the High Park Fire, I order the encumbrance of an additional \$195,000 from the Disaster Emergency Fund to pay for the recovery effort related to this disaster. These funds may be used to pay for resources as requested for reimbursement 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 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.

- E. My verbal orders activating the National Guard and authorizing the utilization of National Guard assets to fight the High Park Fire and enforce the laws of the State of Colorado 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. In addition to authorization of use of the National Guard, this Executive Order also memorializes my verbal authorization for use of the Emergency Management Assistance Compact for resources not available in Colorado.
- F. 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.
- G. I authorize a 90-day extension of any accrued leave expiring on June 30, 2012 for any state employee working in any manner with 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) and II(D) above shall remain available for the described purposes for eighteen months from the date of this Executive Order.



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

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

John W. Hickenlooper
Governor