

# STATE OF COLORADO

## OFFICE OF THE GOVERNOR

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John W. Hickenlooper  
Governor

## D 2012-023

### EXECUTIVE ORDER

#### Declaring a Disaster Emergency Due to the Flagstaff Fire

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, 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 El Paso County, Colorado.

#### I. Background and Purpose

On Tuesday, June 26, 2012, a wildfire ("Flagstaff Fire") started in Boulder County West of the city of Boulder. It immediately threatened the city of Boulder and the communities of Pine Notch and Table Mountain Subdivision resulting in the mandatory evacuations of 26 homes. The fire grew rapidly being fueled by extremely dry vegetation, low relative humidity, high temperatures, and windy conditions. The fire is burning private ownerships and City of Boulder Open Space. As of the evening of June 26, the fire had grown to approximately 300 acres. Boulder County, Federal and local fire department resources have been fully engaged in both evacuating residents from harm's way and in fighting the wildfire. Predicted hot weather and strong gusty winds coupled with abundant dry fuels posed a real threat of the fire spreading toward the city of Boulder and additional state and private values at risk and indicate an aggressive response is essential. A local Type 3 Incident Management Team was immediately ordered for the fire along with use of several Helicopters, heavy airtankers, single engine air tankers, engines, and hand crews including mutual aid from surrounding communities.

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 Flagstaff Fires proximity to sub-developments and the City of Boulder poses an imminent danger to life and property and, therefore, constitutes a disaster for the

purposes of the Act. In response to this disaster, on June 26, 2012, I declared a disaster emergency.

II. Declaration and Directives

- A. The Flagstaff Fire constitutes a disaster emergency under C.R.S. § 24-32-2103. My verbal order of June 26, 2012, declaring a 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. 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(4), the funds in the Disaster Emergency Fund are hereby found insufficient to pay for fire suppression efforts related to the Flagstaff Fire. Therefore, I order \$12,000,000 be transferred into the Disaster Emergency Fund from the Major Medical Insurance Fund, created in C.R.S. § 8-46-202(1) (a); \$1,582,000 be transferred into the Disaster Emergency Fund from the Perpetual Base Account of the Severance Tax Fund, created in C.R.S. § 39-29-109(2)(a)(II); \$800,000 be transferred into the Disaster Emergency Fund from General Fund appropriations in Fiscal Year 2011-12 to the Department of Corrections, Management External Capacity line item; and \$118,000 be transferred into the Disaster Emergency Fund from the General Fund appropriations in Fiscal Year 2011-12 to the Department of Corrections, Parole Board Personal Services line item. It is further ordered that \$2,500,000 from the Disaster Emergency Fund is encumbered to pay for the fire suppression, response, and recovery effort related to the Flagstaff Fire since its inception. The Colorado State Forester, working in conjunction with the Director of the 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 June 26, 2012 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 twenty-eighth day of  
June, 2012.

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

John W. Hickenlooper  
Governor