

# 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 2012-031**

## EXECUTIVE ORDER

### Amending the Disaster Emergency Declaration Due to the Waldo Canyon Fire

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Colorado Constitution, article IV, sections 5 and 13, C.R.S § 28-3-104 and relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-700, *et seq.*, I, Lieutenant Governor Joseph A. Garcia, Lieutenant Governor of the State of Colorado, hereby issue this Executive Order reaffirming the earlier declaration of a state of disaster emergency due to the wildfire in El Paso County, Colorado, updating to reflect the structural change at the Department of Public Safety, and modifying the funding sources used to fight the fire.

#### Background and Purpose

On Saturday, June 23, 2012, a wildfire ("Waldo Canyon Fire") started in El Paso County west of the community of Colorado Springs. It immediately threatened the communities of Manitou Springs, Ute Pass, Chipita Park, Cascade, and Green Mountain Falls forcing the evacuation of 10,000 homes. The fire grew rapidly being fueled by extremely dry vegetation, low relative humidity, high temperatures, and extremely windy conditions. The cause of the fire is unknown and is under investigation. As of July 12, the fire has spread to approximately 18,246 acres and more than 32,000 evacuation orders were issued. El Paso County and local fire department resources have been fully engaged in both evacuating residents from harm's way and in fighting the wildfire. A local Type 3 Incident Management Team was immediately ordered for the fire along with use of several Helicopters, two heavy airtankers, two SEATs, thirty-five engines, and two handcrews. In addition, The President of the United States issued a disaster declaration and the U.S. Department of Defense resources were authorized and a Dual-Status Command protocol coordinating State and federal resources was put in place.

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 Waldo Canyon Fire's proximity to sub-developments in and the towns of Cascade, Manitou Springs, and Colorado Springs 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 June 23, 2012, Governor Hickenlooper declared a disaster emergency.

II. Declaration and Directives

- A. The Waldo Canyon Fire constitutes a disaster emergency under C.R.S. § 24-32-2103. The Administration's verbal order of June 23, 2012, declaring a disaster emergency was memorialized by Executive Order D 2012-020 and remains in full effect. On June 29, Governor Hickenlooper amended Executive Order D 2012-020 with Executive Order D 2012-024 and allocated more resources to fighting the fire. This Executive Order modifies Executive Order D 2012-020 and modifies the funding source for available resources.
- 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 Office of Emergency Management, 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 Waldo Canyon Fire. Therefore, it is ordered that that \$2,430,000 be transferred into the Disaster Emergency Fund from General Fund appropriations in Fiscal Year 2011-12 to the Department of Health Care Policy and Financing, Medical Services Premiums line item; \$900,000 be transferred into the Disaster Emergency Fund from General Fund appropriations in Fiscal Year 2011-12 to the Department of Health Care Policy and Financing, Indigent Care Program, Children's Basic Health Plan Medical and Dental Plan line item; and \$175,000 be transferred into the Disaster Emergency Fund from General Fund appropriations in Fiscal Year 2011-12 to the Department of Human Services, Division of Youth Corrections, Community Programs Parole Program Services line item; and \$2,670,000 be transferred into the Disaster Emergency Fund from the General Fund appropriation in Fiscal Year 2012-13 to the Controlled Maintenance Trust Fund. It is further ordered that \$6,175,000 from the Disaster Emergency Fund is encumbered to pay for the fire suppression, response, and recovery effort related to the Waldo Canyon Fire since its inception. The Director of the

Colorado Office of Emergency Management is hereby authorized and directed to allocate the funding to the appropriate agencies and execute Awards, Purchase Orders or other mechanisms to effect the allocation of the funds. 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.

- D. The Department of Public Safety is 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 July 9, 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.

IV. Lieutenant Governor

I am executing this Executive Order pursuant to the Colorado Constitution, article IV, section 13(5) as Governor John W. Hickenlooper is currently traveling outside the State of Colorado.



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

A handwritten signature in cursive script, appearing to read "J. Garcia".

Joseph A. Garcia Lt. Governor, acting on behalf of the State while Governor John W. Hickenlooper is absent from the State.