

STATE OF COLORADO

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John W. Hickenlooper
Governor

D 2015-005

EXECUTIVE ORDER

Declaring a Disaster Emergency and Authorizing National Guard Assets in Response to Severe Weather, Associated Flooding, and a Landslide on State Highway 13

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant relevant portions of C.R.S. § 28-3-104 and relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.*, I, Joseph A. Garcia, Lieutenant Governor of the State of Colorado, hereby issue this Executive Order declaring a state disaster emergency related to prolonged and heavy rainfall and severe weather that occurred across the Colorado's Front Range and the Northwest part of the state that began in late April 2015, which has continued through May and June 2015. This severe weather resulted in persistent flooding, tornadoes, sinkholes, subsidence, erosion, landslides, debris flows, and agricultural impacts to include crop and livestock loss. Consequently, the counties of Baca, Elbert, El Paso, Fremont, Logan, Morgan, Pueblo, Saguache, Sedgwick, Washington, and Yuma have all declared disasters, highlighting the gravity of the continuous severe weather pattern.

I. Background and Purpose

The Governor is responsible for meeting the dangers to the state and people presented by disasters. The Colorado Disaster Emergency Act 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, flood, earthquake, wind, storm" C.R.S. § 24-33.5-703(3).

Beginning in mid-April 2015, a destructive weather pattern impacted Colorado and has persisted through May and June 2015. Damage to public infrastructure began on April 28, 2015, and homes were lost to tornadoes on June 4, 2015. Record amounts of rainfall fell across Colorado, with widespread impacts being felt across many counties and municipalities. Some areas of the Eastern Plains experienced between 200% and 600% above average rainfall.

In many locations, excessive rainfall exceeded both daily and monthly precipitation records. This prolonged weather pattern triggered destructive effects in the affected counties including loss of structures, sinkholes, subsidence, erosion, landslides, debris flows, recurring flooding within various river basins and streams, all of which resulted in widespread damage to property, infrastructure, and agriculture. Collectively, these damages imposed significant and costly burdens to affected communities requiring state-level assistance for response and recovery activities. Furthermore, state efforts are needed to mitigate current and future threats to persons and property. Additional municipalities and counties—beyond those that have already declared an emergencies—continue to assess their damages and costs. Due to the excessive precipitation, slope failures and slope instabilities may occur in the coming weeks even after the rains have subsided.

Related to the weather conditions landslides have occurred across the state, particularly in Northwest Colorado. For example, both the northbound and southbound lanes of State Highway 13 (“SH 13”) have experienced major damage. The extent of the damage to SH 13 and other highways in the state requires immediate action.

II. Declaration and Directives

- A. The severe weather resulting in the occurrence of persistent flooding, tornadoes, sinkholes, subsidence, erosion, landslides, debris flows, and associated agricultural impacts and infrastructure damage constitutes a disaster emergency under C.R.S. § 24-33.5-701, *et. seq.* The Governor’s verbal order of May 9, 2015, 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. Further, the threat of danger has not passed, and therefore, the initial declaration of a disaster is renewed for an additional thirty days from June 9, 2015.
- B. This order applies to the impacted communities east of the Continental Divide bounded by the north and south state borders and the Counties of Rio Blanco and Garfield in the Northwest part of the state.
- C. 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 or Acting Director of the Office of Emergency Management, including provision of appropriate staff and equipment as necessary.
- D. Pursuant to C.R.S. § 24-33.5-706(4), the funds appropriated to state and local agencies are unreasonably great to pay for immediate protective measures.

Therefore, it is ordered that up to \$150,000 be made available from the Disaster Emergency Fund for response and recovery activities. The Director of the Office of Emergency Management is hereby authorized and directed to allocate the funding to the appropriate government agencies and non-profit organizations and execute awards, purchase orders or other mechanisms to effect the allocation of the funds. These funds shall remain available for this purpose for thirty-six months from May 9, 2015, and any unexpended funds shall remain in the Disaster Emergency Fund.

- E. The Division of Homeland Security and Emergency Management 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.
- F. The Governor's verbal orders of May 9, 2015, pre-authorizing state assets for search and rescue efforts and verbal orders of May 24, 2015, authorizing the utilization of National Guard assets for any flood related missions, which include aerial damage assessment, 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.
- G. Pursuant to sections 125 and 120(e) of Title 23 of the United States Code, I hereby find the damage to SH 13 at and near Mile Markers 29 and 30 as a result of the severe landslide constitutes an emergency. The immediate repair and reconstruction of the damaged highway is vital to the security, well-being, and health of the citizens of the State of Colorado. This declaration shall permit the Colorado Department of Transportation to pursue federal transportation emergency relief funds, as is provided under the United States Code. Furthermore, the U.S. Federal Highway Administration (FHWA) Division Administrator is respectfully requested to concur in the declaration of this emergency for the purposes of securing FHWA Emergency Relief Program funds.

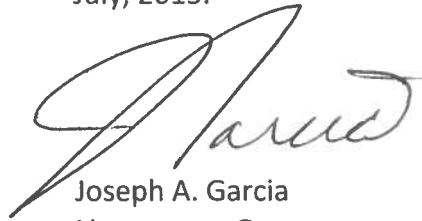
III. Duration

This Executive Order shall expire thirty days from June 9, 2015, unless extended further by Executive Order, except that the funds described in paragraph II(D) above shall remain available for the described purposes for thirty-six months from May 9, 2015.

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 second day of
July, 2015.

A handwritten signature in black ink, appearing to read "J. Garcia", written in a cursive style.

Joseph A. Garcia
Lieutenant Governor