

# STATE OF COLORADO

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John W. Hickenlooper  
Governor

## D 2018 003

### EXECUTIVE ORDER

#### **Declaring a Disaster Emergency in Las Animas County Due to the Emery Gap Fire**

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution and the relevant portions of the Colorado Disaster Emergency Act, C.R.S § 24-33.5-701, *et seq.*, I, John W. Hickenlooper, Governor of the State of Colorado, hereby issue this Executive Order declaring a state of disaster emergency due to the Emery Gap Fire in Las Animas County (“Emery Gap Fire”), enabling state agencies to coordinate response and recovery efforts, and making resources available for response and recovery activities.

#### **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 damage, 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 § 24-33.5-703(3).

On June 8, 2018, lightning started the Emery Gap Fire on private land in New Mexico, and the fire crossed into Colorado south of Branson, in Las Animas County. The fire was estimated to be 1,034 total acres, with 666 acres burned in Colorado. The fire threatened two structures in Colorado and had the potential to spread further, placing additional property at risk. The fire exceeded the fire suppression capacity of the local fire agencies.

At approximately 6:00 PM on June 10, 2018, the Division of Fire Prevention and Control determined the Emery Gap Fire qualified for funding from the Emergency Fire Fund.

At approximately 9:00 PM on June 10, 2018, I verbally declared a disaster emergency for wildland fire in Las Animas County and activated the State of Colorado Hazard and Incident Response and Recovery Plan, also known as the State Emergency Operations Plan.

## II. Declarations and Directives

- A. The Emery Gap Fire and associated impacts constitute a disaster emergency under C.R.S. § 24-33.5-701, *et seq.* My verbal order of June 10, 2018, 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 of Colorado Hazard and Incident Response and Recovery Plan, also known as 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 pursuant to the Emergency Support Function 5 Annex of the Colorado Hazard and Incident Response and Recovery Plan, including provision of appropriate staff and equipment as necessary.
- C. The remaining funds in the Emergency Fire Fund are expected to be insufficient to pay for fire suppression efforts related to the Emery Gap Fire. Upon exhaustion of those funds, the Disaster Emergency Fund shall be used as an additional funding source. Accordingly, pursuant to C.R.S. § 24-33.5-706(4)(a), I order two hundred and fifty thousand dollars (\$250,000) in the Disaster Emergency Fund be encumbered to pay for fire suppression and response efforts related to the Emery Gap Fire since June 8, 2018.
- D. Further, pursuant to C.R.S. § 24-33.5-705.4(5), 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 affect the allocation of the funds. These funds shall remain available for this purpose until sixty (60) months from the date of this Executive Order, and any unexpended funds shall be reimbursed to accounts from which they were originally transferred.
- E. The Division of Homeland Security and Emergency Management is authorized and directed to coordinate with the Division of Fire Prevention and Control to seek any available reimbursement from the federal government and the State of New Mexico for fire suppression and related activities.

III. Duration

This Executive Order shall expire thirty (30) days from June 10, 2018, unless extended further by Executive Order, except that the funds described in paragraph II(C) above shall remain available for the described purposes for sixty (60) months 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, 2018.

A handwritten signature in black ink, appearing to read "John W. Hickenlooper". The signature is fluid and cursive, with a large initial "J" and "H".

John W. Hickenlooper  
Governor