

# STATE OF COLORADO

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John W. Hickenlooper  
Governor

## D 2018 007

### EXECUTIVE ORDER

#### **Declaring a Disaster Emergency Due to the Spring Creek Fire in Costilla and Huerfano Counties**

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, Donna Lynne, Lieutenant Governor of the State of Colorado, hereby issue this Executive Order declaring a state of disaster emergency due to the Spring Creek Fire in Costilla and Huerfano Counties (the "Spring Creek Fire"), enabling state agencies to coordinate response and recovery efforts, and making resources available to state agencies 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. C.R.S. § 24-33.5-704(1). 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).

The Spring Creek Fire started on June 27, 2018, in Costilla County. The fire spread into Huerfano County, and is estimated to be 107,967 acres with seventy-seven percent containment as of July 10, 2018. The fire is primarily on state and private land. Approximately 3,500 homes were initially evacuated because of the fire. The fire also threatens utilities and a railroad in the area. The fire has potential to spread further and impact additional values.

At approximately 6:45 PM on June 27, 2018, the Division of Fire Prevention and Control determined that the Spring Creek Fire qualified for funds from the Emergency Fire Fund.

At approximately 6:50 PM on June 27, 2018, Governor Hickenlooper verbally declared a disaster emergency for the Spring Creek Fire and activated the State of Colorado Hazard and Incident Response and Recovery Plan, also known as the State Emergency Operations Plan.

Both the Costilla County Board of County Commissioners and the Huerfano County Board of County Commissioners declared local disaster emergencies due to the Spring Creek Fire in the late evening of June 27, 2018, and the morning of June 29, 2018, respectively.

Because of the severity of the fire and additional private and state properties at risk, the Division of Fire Prevention and Control requested a federal Fire Management Assistance Grant from the Federal Emergency Management Agency at approximately 11:00 PM on June 27, 2018. The request for a Fire Management Assistance Grant was approved by the Federal Emergency Management Agency's Regional Administrator at approximately 12:55 PM on June 28, 2018.

## II. Declarations and Directives

- A. The Spring Creek Fire and associated impacts constitute a disaster emergency under C.R.S § 24-33.5-701, *et seq.* Governor Hickenlooper's verbal order of June 27, 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 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 State Emergency Operations Plan, including provision of appropriate staff and equipment as necessary.
- C. Due to the insufficiency of funds in both the Emergency Fire Fund and the Disaster Emergency Fund established in C.R.S § 24-33.5-706(2)(a) to pay for the State's share of fire suppression and recovery efforts related to the Spring Creek Fire, I order the transfer of eighteen million dollars (\$18,000,000) from the Controlled Maintenance Trust Fund into the Disaster Emergency Fund pursuant to C.R.S. § 24-33.5-706(4)(b). I further encumber eighteen million dollars (\$18,000,000) in the Disaster Emergency Fund to pay for the fire suppression and recovery efforts related to the Spring Creek Fire since June 27, 2018. In order to ensure timely reimbursement to responding agencies, I further encumber and authorize payment of an additional fifteen million dollars (\$15,000,000) from the Wildfire Cost Recovery Fund, managed by the Division of Fire Prevention and Control, to cover reimbursable response costs.

- 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 effect 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 application, via fire billing practices within the Division of Fire Prevention and Control, to the federal government for funds available for reimbursement and to coordinate application for any other funds available related to this disaster emergency. Specifically, the Division of Fire Prevention and Control is directed to seek reimbursement and make payments as needed to agencies providing assistance for this incident. Funds expended from the Wildfire Cost Recovery Fund to reimburse responding agencies shall be returned to the Wildfire Cost Recovery Fund and the Disaster Emergency Fund, as appropriate, from such federal reimbursements.

III. Duration

This Executive Order shall expire thirty (30) days from June 27, 2018, unless extended further by Executive Order, except that the funds described in Section 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  
Executive Seal of the State of  
Colorado this eleventh day of  
July, 2018.

A handwritten signature in cursive script, appearing to read "Donna Lynne".

Donna Lynne  
Lieutenant Governor, acting on behalf of the  
State while Governor John W. Hickenlooper  
is absent from the State.