

STATE OF COLORADO

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John W. Hickenlooper
Governor

D 2018 008

EXECUTIVE ORDER

Amending Executive Order D 2017 004 to Extend the Availability of Existing Funds and Providing Additional Funds for Wildfires in Rio Blanco County

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 amending Executive Order D 2017 004 to extend the availability of existing funds and providing additional funds to pay for costs associated with the disaster emergency declared for the July 2012 wildfires in Rio Blanco County.

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).

In July 2012, two wildfires, the Powell Fire and the Little Duck Fire (the “Powell Complex”), started in Rio Blanco County on lands managed by the Bureau of Land Management. The fires grew rapidly due to extremely dry vegetation, low relative humidity, high temperatures, and windy conditions. Lightning strikes are believed to have caused both fires. On July 21, 2012, the Colorado Division of Fire Prevention and Control received a request from the Rio Blanco County Sheriff to assume charge of the Powell Complex in accord with the Emergency Fire Fund Agreement. The State accepted the Powell Complex as an Emergency Fire Fund-designated fire. By July 24, 2012, the fires had spread to approximately 1,650 acres.

In Executive Order D 2012 034, I memorialized a verbal declaration of a state of disaster emergency due to the Powell Complex and ordered the transfer of two hundred ten thousand dollars (\$210,000) from the Control Maintenance Trust Fund to the Disaster Emergency Fund for fire suppression efforts in connection with the Powell Complex. Pursuant to Executive Order D 2012 034, those funds were available through July 24, 2013.

The 2011 and 2012 wildfire seasons resulted in a record-breaking number of fatalities and extraordinary damage to homes, forest lands, and agricultural assets. As a result, in Executive Order D 2013 014, I extended the availability of funds for the Powell Complex and a number of other fire-related disaster emergencies until January 31, 2014.

Upon a determination by the Colorado Department of Public Safety ("CDPS") that it required additional time and resources to sufficiently address the impacts of the Powell Complex, I issued Executive Order D 2017 004 to extend the availability of existing funds until December 31, 2016, and to encumber an additional one hundred six thousand, seventy-eight dollars (\$106,078) in the Disaster Emergency Fund.

As recovery efforts conclude, CDPS has determined that it requires additional time to finalize expenses for some older wildfires, including the Powell Complex. Further, CDPS requires three thousand one hundred thirty-eight dollars (\$3,138) to reimburse the Bureau of Indian Affairs for costs incurred during firefighting and recovery efforts relating to the Powell Complex. This Executive Order therefore extends the availability of the funding provided for the Powell Complex in Executive Orders D 2017 004 and D 2012 034 until December 31, 2018, to allow for payment of final expenses related to the wildfire. This Executive Order also encumbers an additional three thousand one hundred thirty-eight dollars (\$3,138) in the Disaster Emergency Fund to pay the State's outstanding obligation to the Bureau of Indian Affairs.

II. Declaration and Directives

- A. I hereby encumber an additional three thousand one hundred thirty-eight dollars (\$3,138) in the Disaster Emergency Fund to reimburse the federal government for fire suppression, response, and recovery assistance provided in association with the Powell Complex. These funds shall remain available for this purpose until December 31, 2018. The Division of Fire Prevention and Control and the Division of Homeland Security and Emergency Management are authorized and directed to allocate the funding to the appropriate resources as may be appropriate and permitted by law.

- B. I hereby extend the funding in the Disaster Emergency Fund provided in Section II(A) of Executive Order D 2017 004 and Section II(C) of Executive Order D 2012 034 until December 31, 2018, to facilitate final payments of the expenses associated with the Powell Complex.

III. Duration

This Executive Order shall remain in effect until rescinded or modified by Executive Order. In all other respects, Executive Orders D 2017 004, D 2013 014, and D 2012 034 shall remain in full force and effect as originally promulgated.



GIVEN under my hand and the
Executive Seal of the State of
Colorado, this sixteenth day
of July, 2018.

A handwritten signature in blue ink, reading "John W. Hickenlooper".

John W. Hickenlooper
Governor