

STATE OF COLORADO

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John W. Hickenlooper
Governor

D 2018 011

EXECUTIVE ORDER

Declaring a Disaster Emergency Due to the Upper Mailbox Fire in Montrose 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 declaring a state of disaster emergency due to the Upper Mailbox Fire in Montrose County (the “Upper Mailbox 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 Upper Mailbox Fire started June 15, 2018, in Montrose County. By June 16, 2018, the fire spread to an estimated 475 acres, on a mix of private and federal land, with no reported containment. The residents of ten (10) homes were placed on pre-evacuation notice, and an additional eighty (80) homes were threatened in a subdivision less than one mile away. Warm, dry conditions made it likely the fire would spread and threaten additional lives and property.

On June 16, 2018, at 1:34 PM, the Division of Fire Prevention and Control determined that it would fund the response to the Upper Mailbox Fire with proceeds from the Emergency Fire Fund established in C.R.S. § 24-33.5-1220(2)(a).

On June 16, 2018, at approximately 2:00 PM, I verbally declared a disaster emergency for wildland fire in Montrose County and activated the State of Colorado Hazard and Incident Response and Recovery Plan (the “State Emergency Operations Plan”).

II. Declarations and Directives

- A. The Upper Mailbox Fire and associated impacts constitute a disaster emergency under C.R.S § 24-33.5-701, *et seq.* My verbal order of June 16, 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 Emergency Support Function 4 Annex of 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 any remaining fire suppression efforts related to the Upper Mailbox Fire, I order the transfer of one hundred fifty thousand dollars (\$150,000) 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 one hundred fifty thousand dollars (\$150,000) in the Disaster Emergency Fund to pay for the fire suppression and response efforts related to the Upper Mailbox Fire since June 15, 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 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 Colorado Division of Fire Prevention and Control is directed to seek reimbursement and make payments as needed to agencies providing assistance on this incident.

III. Duration

This Executive Order shall expire thirty (30) days from June 16, 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 sixteenth day of
July, 2018.

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

John W. Hickenlooper
Governor