

STATE OF COLORADO

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John W. Hickenlooper
Governor

D 2018 015

EXECUTIVE ORDER

Declaring a Disaster Emergency Due to the Divide Fire in Moffat 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, Donna Lynne, Lieutenant Governor of the State of Colorado, hereby issue this Executive Order declaring a state of disaster emergency due to the Divide Fire in Moffat County (“Divide 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 Divide Fire started on June 29, 2018, north of Craig, Colorado in Moffat County. At that time, Moffat County managed the fire for multiple days without requesting State assistance. The fire was declared contained on July 2, 2018. However, on July 6, 2018, high winds caused the fire to breach the containment lines, and the fire expanded from 5,100 acres to 12,000 acres, at which point Moffat County requested State assistance. The Divide Fire burned one home and threatened additional homes, power lines, and sage grouse habitat. The Divide Fire burned on a mix of private and federal lands.

At approximately 11:05 AM on July 6, 2018, the Division of Fire Prevention and Control determined that the Divide Fire qualified for funds from the Emergency Fire Fund.

At approximately 11:10 AM on July 6, 2018, Governor Hickenlooper verbally declared a disaster emergency for the Divide Fire and activated the State of Colorado Hazard and Incident Response and Recovery Plan (“State Emergency Operations Plan”).

II. Declarations and Directives

- A. The Divide Fire and associated impacts constitute a disaster emergency under C.R.S. § 24-33.5-701, *et seq.* Governor Hickenlooper’s verbal order of July 6, 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 Divide Fire, I order the transfer of eight hundred and twenty thousand dollars (\$820,000) 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 eight hundred and twenty thousand dollars (\$820,000) from the Disaster Emergency Fund to pay for the fire suppression and recovery efforts related to the Divide Fire since July 6, 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 Division of Fire Prevention and Control is directed to seek reimbursement and make payments as needed to agencies providing assistance for this incident.

III. Duration

This Executive Order shall expire thirty (30) days from July 6, 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 the
Executive Seal of the State of
Colorado, this twenty-fourth day of
July, 2018.

A handwritten signature in black ink, appearing to read "Donna Lynne". The signature is written in a cursive style and is positioned above the printed name.

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