

STATE OF COLORADO

OFFICE OF THE GOVERNOR

136 State Capitol
Denver, Colorado 80203
Phone (303) 866-2471
Fax (303) 866-2003



John W. Hickenlooper
Governor

D 2018 018

EXECUTIVE ORDER

Amending Executive Order D 2018 006 to Extend the Declaration of Disaster Emergency Due to Exceptional Fire Risk in Portions of Colorado, to Extend Deployment of the Colorado National Guard, and to Authorize the Colorado Department of Public Health and Environment to Extend Suspension of Certain Regulations and Licensing Requirements, and to Transfer Funds to the Wildfire Emergency Response Fund

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 2018 006 to extend the declaration of a state of disaster emergency due to exceptional fire risk in portions of Colorado and to authorize the Colorado Department of Public Health and Environment to extend the suspension of certain regulations and licensing requirements in order to support responders to wildland fires.

Further, pursuant to Article IV, Section 5 of the Colorado Constitution and pursuant to C.R.S. § 28-3-104, I hereby issue this Executive Order amending Executive Order D 2018 006 to extend the deployment of the Colorado National Guard for the purpose of responding to fires by providing aircraft, equipment, and personnel to support fire suppression efforts.

Further, pursuant to C.R.S. § 24-33.5-1226, I hereby issue this Executive Order amending Executive Order D 2018 006 to authorize the transfer of funds from the Controlled Maintenance Trust Fund to the Wildfire Emergency Response Fund to fund firefighting operations as set out in C.R.S. § 24-33.5-1226(2).

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).

Beginning in March 2018, dry and hot conditions increased the wildland fire risk across Colorado and other western states. In June and July 2018, numerous wildland fires broke out throughout western and southern Colorado. State and local communities mobilized all available equipment and personnel to conduct fire suppression and support activities, but the need is so great that current resources are at or beyond capacity. The Colorado National Guard can provide aircraft, equipment, and personnel (“National Guard Assets”) to support firefighting operations.

Due to the expected continuation of hot and dry weather conditions in Colorado, and the need for additional firefighting resources, particularly helicopters that can be used for firefighting operations, this Executive Order extends my declaration of a disaster emergency, extends the deployment of the Colorado National Guard, and authorizes the Colorado Department of Public Health and Environment to extend the suspension of certain regulations and licensing requirements in order to support responders to wildland fires.

Pursuant to C.R.S § 24-33.5-1226(2), the Wildfire Emergency Response Fund assists local jurisdictions with aerial tanker or firefighting helicopter support, as well as the employment of wildfire hand crews for initial attack on wildland fires occurring on State and private lands. The current balance of the Wildfire Emergency Response Fund is approximately sixty-four thousand dollars (\$64,000). Due to the large number of wildland fires the State is experiencing, the Division of Fire Prevention and Control estimates it will need an additional five hundred thousand dollars (\$500,000) in the Wildfire Emergency Response Fund for Fiscal Year 2019. This Executive Order authorizes the transfer of funds in the amount of five hundred thousand dollars (\$500,000) from the Controlled Maintenance Trust Fund to the Wildfire Emergency Response Fund to fund firefighting operations as set out in C.R.S. § 24-33.5-1226(2),

On June 16, 2018, I authorized the Colorado Department of Public Health and Environment to suspend regulations and licensing requirements for thirty (30) days for out-of-state paramedics and emergency medical technicians providing support to responders to wildland fires. As wildland fires continued into July and August, the reduced availability of paramedics and emergency medical technicians continued, requiring the State to request additional out-of-state paramedics and emergency medical technicians. Continued suspension of regulations and licensing requirements is necessary for the safety and health of personnel responding to wildland fires in Colorado. This Executive Order extends the Colorado Department of Public Health and

Environment's authorization to suspend regulations and licensing requirements for an additional thirty (30) days from July 29, 2018.

Based upon an increased number of major fire incidents across Colorado, at 2:30 PM on June 20, 2018, I verbally authorized expanding the supporting role of the Colorado National Guard to include assistance to firefighting operations for fires where the State of Colorado has responsibility for fire suppression pursuant to C.R.S. § 24-33.5-1221(1).

At approximately 12:10 PM on June 29, 2018, I verbally declared a disaster emergency for wildland fire in Colorado in order to authorize deployment of the Colorado National Guard to provide National Guard Assets to support emergency search and rescue missions associated with fires throughout the state. I also activated the State of Colorado Hazard and Incident Response and Recovery Plan ("State Emergency Operations Plan").

Based upon an increased number of major fire incidents across Colorado, at 2:30 PM on June 30, 2018, I verbally authorized expanding the supporting role of the Colorado National Guard to include assistance to firefighting operations for fires where the State of Colorado has responsibility for fire suppression pursuant to C.R.S. § 24-33.5-1221(1).

My verbal orders of June 29, 2018, and June 30, 2018, activate and authorize the use of National Guard Assets for fires existing at the time of the aforementioned verbal orders and any fires occurring for thirty (30) days thereafter, where the State has responsibility for fire suppression pursuant to C.R.S. § 24-33.5-1221(1). This Executive Order extends the activation and authorization of the use of National Guard Assets for an additional thirty (30) days from July 29, 2018.

II. Amendment

Section II(D) of Executive Order D 2018 006 is amended to read as follows:

Governor Hickenlooper's verbal orders of June 29, 2018, and June 30, 2018, activating the Colorado National Guard and authorizing the use of the National Guard Assets to assist in firefighting operations, are limited to those fires existing at the time of the aforementioned verbal orders, and any fires occurring between June 29, 2018 and thirty days from July 29, 2018, where the State has responsibility for fire suppression pursuant to C.R.S. § 24-33.5-1221(1).

Section II(E) of Executive Order D 2018 006 is amended to read as follows:

Under the provisions of C.R.S. § 24-33.5-704(7)(a) and in the interest of public safety, I hereby authorize the Colorado Department of Public Health and Environment to suspend regulations and licensing requirements for the duration of this Executive Order and for an additional thirty days from July 29, 2018, for Paramedics and Emergency Medical Technicians from outside of Colorado formally ordered by on-scene incident management organizations to respond to fires.

Section II(F) is added to Executive Order D 2018 006 to read as follows:

Pursuant to C.R.S. § 24-33.5-1226(4), I have determined that additional increases to the Wildfire Emergency Response Fund are necessary because the actual wildfire situation in the State is more severe than anticipated at the time the wildfire preparedness plan required under § 24-33.5-1227(2) was prepared. Accordingly, I order the transfer of five hundred thousand dollars (\$500,000) from the Controlled Maintenance Trust Fund into the Wildfire Emergency Response Fund pursuant to C.R.S. § 24-33.5-1226(4), to be used to fund initial air attack and hand crews by local fire departments in order to rapidly contain wildland fires as set out in C.R.S. § 24-33.5-1226(2).

III. Duration

This Executive Order shall expire thirty (30) days from July 29, 2018, unless extended further by Executive Order. In all other respects, Executive Order D 2018 006 shall remain in full force and effect.



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

A handwritten signature in black ink, appearing to read "John W. Hickenlooper".

John W. Hickenlooper
Governor