

STATE OF COLORADO

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John W. Hickenlooper
Governor

D 2018 029

EXECUTIVE ORDER

Declaring a Disaster Emergency Due to the Silver Creek Fire in Grand 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 Silver Creek Fire in Grand County (the “Silver Creek Fire” or the “Fire”), enabling State agencies to coordinate response, recovery, and mitigation efforts, and making resources available to State agencies for response, recovery, and mitigation 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 Silver Creek Fire started on July 23, 2018, in Grand County. The fire burned on federal property from July 23 through September 13, 2018, at which time it became more active due to hot and dry weather conditions and forced the mandatory evacuation of 10 homes with an additional 200 homes on pre-evacuation. As of September 13, 2018, the Silver Creek Fire burned approximately 7,000 acres on state and federal land with 55% containment.

On September 13, 2018, at approximately 2:40 PM, the Division of Fire Prevention and Control determined that the Silver Creek Fire met the criteria for the Emergency Fire Fund and State responsibility.

On September 13, 2018, at approximately 3:26 PM, Governor Hickenlooper verbally declared a disaster emergency for the Silver Creek Fire and activated the State of Colorado Hazard and Incident Response and Recovery Plan (“State Emergency Operations Plan”).

II. Declarations and Directives

- A. The Silver 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 September 13, 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 Silver Creek Fire, I order the transfer of three hundred and fifty thousand dollars (\$350,000) 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 three hundred and fifty thousand dollars (\$350,000) in the Disaster Emergency Fund to pay for the fire suppression, recovery, and mitigation efforts related to the Silver Creek Fire since September 13, 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 the Silver Creek Fire. Specifically, the Division of Fire Prevention and Control is directed to seek reimbursement and make payments as needed to agencies providing assistance for the Fire.

III. Duration

This Executive Order shall expire thirty (30) days from September 13, 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 tenth day of
October, 2018.


Donna Lynne

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