



D 2019 013

EXECUTIVE ORDER

Declaring a Disaster Emergency and Authorizing Employment of the Colorado National Guard to Provide Search and Rescue Support Due to the Shawnee Peak Fire

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, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order declaring a state of disaster emergency due to the Shawnee Peak Fire in Park County.

Further, pursuant to Article IV, Section 5 of the Colorado Constitution and pursuant to C.R.S. § 28-3-104, I hereby authorize employing the Colorado National Guard for the purpose of providing standby personnel and aircraft for search and rescue support for firefighters responding to the Shawnee Peak Fire in Park 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).

On August 26, 2019, the Shawnee Peak Fire was reported on federal land in Park County. The fire was burning in rugged terrain that was difficult or impossible to access using ground-based vehicles. Firefighters accessed the area mostly on foot and worked in remote areas and hazardous conditions that limited evacuation and medical care for serious or critical injuries.

The United States Forest Service has access to aircraft with the capability to extract injured personnel from rugged terrain; however, these aircraft were not immediately available. In the interim, federal authorities requested that alternate aircraft be placed on standby in the event that injured firefighters needed rescue. The Department of Public Safety coordinated with federal authorities to fulfill this request using the Colorado National Guard.

The Colorado National Guard possesses aircraft with hoist capability for rescue missions. It was available to provide standby search and rescue support for any firefighters who were injured.



At approximately 9:44 AM on August 27, 2019, I verbally declared a disaster emergency for the Shawnee Peak Fire to authorize the Colorado National Guard to provide standby personnel and aircraft for search and rescue support for firefighters responding to the Shawnee Peak Fire. I also activated the State of Colorado Hazard and Incident Response and Recovery Plan ("State Emergency Operations Plan").

II. Declarations and Directives

- A. The Shawnee Peak Fire constitutes a disaster emergency under C.R.S. § 24-33.5-701, *et seq.* My verbal order on August 27, 2019, declaring a disaster emergency and authorizing employment and use of the Colorado National Guard 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 5 Annex of the State Emergency Operations Plan, including provision of appropriate staff and equipment as necessary.
- C. Pursuant to Article IV, Section 5 of the Colorado Constitution and C.R.S. § 28-3-104, I have determined that it is in the best interest of the people of Colorado to activate the Colorado National Guard to provide standby personnel and aircraft for search and rescue support for firefighters responding to the Shawnee Peak Fire. Pursuant to 42 U.S.C. § 1856a and the Colorado Statewide Cooperative Wildland Fire Management and Stafford Act Response Agreement, the United States Forest Service Rocky Mountain Region will reimburse costs the Colorado National Guard incurs from this personnel and aircraft standby service. To ensure timely reimbursement to the Colorado National Guard, I authorize encumbering twenty-two thousand dollars (\$22,000) from the Disaster Emergency Fund, established in C.R.S. § 24-33.5-706(2)(a), to pay the Colorado National Guard for costs associated with personnel and aircraft. This amount is currently available in the Disaster Emergency Fund.
- D. I authorize and direct the Division of Fire Prevention and Control (Division) to coordinate application to the federal government for funds available for reimbursement, including funds expended as authorized in Paragraph II(C). The Division shall use such federal reimbursements to reimburse the Disaster Emergency Fund for funds expended for the Colorado National Guard for standby services provided for the Shawnee Peak Fire.

III. Duration

This Executive Order shall expire thirty (30) days from August 27, 2019, unless extended further by Executive Order, except that the funds described in Paragraph II(C) above shall remain available for the described purposes for twelve (12) months from the date of this Executive Order.



GIVEN under my hand and the
Executive Seal of the State of
Colorado, this seventeenth
day of September, 2019.

A handwritten signature in black ink, appearing to read "Jared Polis", is written over the printed name and title.

Jared Polis
Governor