



## **D 2019 015**

### **EXECUTIVE ORDER**

#### **Amending Executive Order D 2016 006 to Extend the Availability of Existing Funds for the Hayden Pass Fire in Fremont 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, Dianne Primavera, Lieutenant Governor of the State of Colorado, hereby issue this Executive Order amending Executive Order D 2016 006 to extend the availability of existing funds for the Hayden Pass Fire in Fremont County (Hayden Pass Fire).

#### **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 July 8, 2016, lightning ignited a fire in the San Isabel National Forest. On July 10, 2016, the fire increased in size and moved toward Coaldale in Fremont County. On July 12, 2016, Fremont County declared a local emergency due to limited resources, the size of the fire, and lives and property at risk. Also on July 12, Lieutenant Governor Donna Lynne verbally declared a disaster emergency and authorized the use of the Colorado National Guard for assistance and resources related to the Hayden Pass Fire.

On July 20, 2016, Governor John Hickenlooper issued Executive Order D 2016 006, declaring a disaster emergency due to the Hayden Pass Fire and deploying the National Guard to assist with the fire response. Governor Hickenlooper transferred eight million dollars (\$8,000,000) from the Controlled Maintenance Trust Fund into the Disaster Emergency Fund, pursuant to C.R.S. § 24-33.5-706(4)(b), and encumbered the funds in the Disaster Emergency Fund to pay for fire suppression, response, and recovery efforts related to the Hayden Pass Fire. Governor Hickenlooper made the funds available for thirty-six (36) months from July 12, 2016.

Due to the destructive nature of the Hayden Pass Fire and the complexities associated with affiliated recovery projects, a number of projects have not yet been fully completed. Local



governments continue to work diligently to complete recovery projects. Local agencies, the Division of Homeland Security and Emergency Management, and the United States Department of Agriculture - Natural Resources Conservation Service, predict that these projects will be completed on or before April 2020. Accordingly, this Executive Order extends the availability of existing funds, initially allocated in Executive Order D 2016 006, in order to provide adequate time for completing the remaining recovery projects associated with the Hayden Pass Fire.

## II. Amendment

Section II(C) of Executive Order D 2016 006 is amended to read as follows:

Due to the current insufficiency of funds necessary to pay for fire suppression efforts related to the Hayden Pass Fire in the Disaster Emergency Fund, I order the transfer of \$8,000,000 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 \$8,000,000 in the Disaster Emergency Fund to pay for the fire suppression, response, and recovery efforts related to the Hayden Pass Fire since its inception. I authorize and direct the Emergency Management Director to allocate these funds to the appropriate government agencies and to execute awards, purchase orders, or other mechanisms to effect the allocation of these funds. These funds shall remain available for this purpose for forty-six (46) months from July 12, 2016, and any unexpended funds shall remain in the Disaster Emergency Fund.

## III. Duration

This Executive Order shall remain in effect unless modified or rescinded by Executive Order. In all other respects, Executive Order D 2016 006 shall remain in full force and effect as originally promulgated.

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



Dianne Primavera  
Lt. Governor, acting on behalf  
of the State while Governor Jared  
Polis is absent from the State.