



D 2021 128

EXECUTIVE ORDER

Amending and Extending Executive Order D 2021 127 Declaring a Disaster Emergency Due to Burn Scar Flooding, Mudslides, and Rockslides in Multiple Counties, Authorizing Employment of the Colorado National Guard, and Temporarily Suspending Certain Procurement Statutes

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 amending and extending Executive Order D 2021 127, declaring a state of disaster emergency due to burn scar flooding, mudslides, and rockslides, and their impacts, in Garfield, Larimer, Eagle, Grand, Routt, Rio Blanco, Pitkin, and Moffat Counties.

This Executive Order directs State agencies to coordinate and makes resources available for response, consequence management, and recovery efforts. I hereby authorize the continued temporary suspension of certain procurement statutes to enable the State to procure goods and services that are reasonably necessary to save lives and mitigate the effects of the disaster emergency.

Further, pursuant to Article IV, Section 5 of the Colorado Constitution and pursuant to C.R.S. § 28-3-104, I hereby authorize the continued employment of the Colorado National Guard to assist with traffic control, debris management, and unarmed law enforcement support.

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” C.R.S. § 24-33.5-703(3).

Beginning in late July 2021, a series of storms brought significant rainfall to areas of the State where recent fires left large burn scars. In those areas, lack of vegetative cover allowed substantial runoff of water, soil, rocks, and debris, causing flooding and severe damage to local and State roads, bridges, highways, and other critical infrastructure.

In Larimer County, on July 20, 2021, a storm producing heavy rain on the Cameron Peak burn scar damaged or destroyed six homes and washed thousands of cubic yards of debris into the Poudre River. Three people died, and a fourth person remains missing.

In Garfield and Eagle Counties, a series of daily storms starting on July 30, 2021 produced heavy rain on the Grizzly Creek burn scar. The heavy rainfall from these storms washed mud, rocks, and debris on and over portions of a 46-mile length of Interstate 70 through Glenwood Canyon, causing the closure of the highway while Colorado Department of Transportation (CDOT) crews cleared debris, conducted structural damage assessments, and began extensive repair work. The rail line through Glenwood Canyon suffered similar damage and remained closed for six days to clear debris and make temporary repairs.

Interstate 70 was closed through Glenwood Canyon while repairs were underway. Repairs are ongoing and it is currently operating with one lane open to traffic in each direction, causing long delays. Private and commercial vehicles are bypassing the highway on mountainous, single-lane roads, which can add three or more hours to routes. Critical deliveries of food and fuel are delayed due to the disruption of regular truck routes.

State highways in Grand, Routt, Rio Blanco, Pitkin, and Moffat Counties are among those serving as detours for private and commercial vehicles to bypass the Interstate 70 delays. These roads are not designed for the current volume of traffic. Local law enforcement resources are working at capacity to ensure the safety of the traveling public, and local services, including emergency services and communications systems, are stressed with increased demands, in some cases creating the risk that calls for emergency assistance will not be completed.

On August 3, 2021, at approximately 5:18 PM, I verbally declared a disaster emergency for burn scar flooding, mudslides, and rockslides, and activated the State of Colorado Emergency Operations Plan. My disaster declaration pertains to counties and State agencies impacted by these weather events. At the same time, I verbally authorized deployment of the Colorado National Guard to assist with traffic control, debris management, and unarmed law enforcement support.

CDOT crews are working tirelessly to clear debris and repair the roadway to restore the regular flow of food, fuel, and other products, provide safe travel conditions for the public, and reduce the economic impact to the affected area, State, and nation. By temporarily suspending certain procurement statutes, the State can facilitate a swift response and recovery effort and restore public safety while minimizing impacts from burn scar flooding, mudslides, and rockslides.

This Executive Order amends and extends Executive Order D 2021 127 for an additional thirty (30) days given the ongoing threat of burn scar flooding, mudslides, and rockslides. The amendments allow the hours of service suspension to expire, as it is no longer needed, and add Moffat County to the list of affected counties.

II. Amendments

Section II of Executive Order D 2021 127 is amended as follows:

1. Add “Moffat” after “Rio Blanco,” in Section II.A.
2. Delete Section II.H.

III. Duration

Executive Order D 2021 127, as amended and extended by this Executive Order, shall expire thirty (30) days from September 1, 2021, unless extended further by Executive Order, except that the funds described in Section II.D of Executive Order D 2021 127 shall remain available for the described purposes for thirty-six (36) months from the date of Executive Order D 2021 127. In all other respects, Executive Order D 2021 127 remains in full force and effect as originally promulgated.



GIVEN under my hand and
the Executive Seal of the
State of Colorado, this first
day of September, 2021.

A handwritten signature in blue ink that reads 'Jared Polis'.

Jared Polis
Governor