



D 2022 004

EXECUTIVE ORDER

Declaring a Disaster Emergency Due to the Marshall Fire and Straight-Line Winds in Boulder County and Authorizing Employment of the Colorado National Guard

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, issue this Executive Order declaring a state of disaster emergency due to the Marshall Fire and straight-line winds in Boulder County, enabling State and Federal agencies to coordinate fire suppression, response, consequence management, hazard mitigation, and recovery efforts.

Pursuant to Article IV, Section 5 of the Colorado Constitution and pursuant to C.R.S. § 28-3-104, I authorize employing the Colorado National Guard for the purpose of responding to the Marshall Fire: by providing aircraft, equipment, and personnel to support fire suppression efforts; and assisting law enforcement agencies with traffic control, security needs, and supporting incident management.

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).

Around 10:30 a.m. on December 30, 2021, a grass fire was spread by high velocity, straight-line winds in Boulder County. The grass fire, which was later named the Marshall Fire, quickly spread to populated areas within Boulder County and threatened lives and structures. An estimated 6,694 homes were evacuated in Louisville, Superior, and surrounding areas in unincorporated Boulder County. Concurrently, straight-line winds in excess of one hundred miles per hour damaged residential, public, and commercial properties.

At approximately 2:10 p.m. on December 30, 2021, the Division of Fire Prevention and Control determined that the Marshall Fire exceeded county capacity and was eligible for State responsibility per the Emergency Fire Fund criteria. On December 30, 2021 at 2:18 p.m., I

verbally declared a state of disaster emergency due to the Marshall Fire in Boulder County and I activated the State of Colorado Emergency Operations Plan.

Because of the severity of the Marshall Fire and the potential for continued widespread damage to private homes, commercial structures, and public infrastructure, the Division of Fire Prevention and Control requested a Federal Fire Management Assistance Grant from the Federal Emergency Management Agency (FEMA) at approximately 3:30 p.m. on December 30, 2021. The request for a Fire Management Assistance Grant was approved by FEMA's Regional Administrator at approximately 4:18 p.m. on December 30, 2021.

On December 30, 2021, I requested that the President of the United States declare a Major Disaster for the State of Colorado. The President quickly approved the Major Disaster Declaration for Colorado on December 31, 2021 to supplement State and local response and recovery efforts in the affected area. As part of the President's Major Disaster Declaration, FEMA's Public Assistance and Individual Assistance programs were approved for Boulder County.

A damage assessment on January 18, 2022 determined that the Marshall Fire and straight-line winds burned 6,080 acres, destroyed 1,086 homes and 7 commercial buildings, and damaged 205 homes and 30 commercial buildings. The current loss estimates of residential property is \$549,097,386, commercial property is \$65,994,564, and public infrastructure is \$64,985,018.

The community also mourns the confirmed death of one individual and another missing individual is presumed dead as a result of the Marshall Fire.

This Executive Order memorializes my verbal order on December 30, 2021 declaring a state of disaster emergency due to the Marshall Fire and straight-line winds in Boulder County and employing the Colorado National Guard for the purpose of responding to the Marshall Fire. This Executive Order also allocates \$40,431,226 to pay for fire suppression, response, consequence management, and recovery efforts related to the Marshall Fire and to employ two term-limited staff to advise on and coordinate wildfire recovery efforts.

II. Declarations and Directives

- A. The Marshall Fire and associated impacts constitute a disaster emergency under C.R.S § 24-33.5-701, *et seq.* My verbal order of December 30, 2021, 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 Emergency Support Function 5 Annex of the State Emergency Operations Plan, including the provision of appropriate staff and equipment as necessary.

- C. My verbal order of December 30, 2021, activating the National Guard, authorizing the utilization of National Guard assets for any fire-related missions, and enforcing the laws of the State of Colorado as provided in C. R.S. § 16-2.5-144 is hereby memorialized by this Executive Order and shall have the full force and effect of law as if they were contained within this Executive Order.
- D. The Department of Public Safety is authorized and directed to coordinate applications to the federal government for funds available for reimbursement and to coordinate applications for any other funds available related to this disaster emergency.
- E. Funds in the Emergency Fire Fund are hereby found to be insufficient to pay for the State fire suppression, response, consequence management, and recovery efforts related to the Marshall Fire. Further, pursuant to C.R.S. § 24-33.5-706(4)(b), funds in the Disaster Emergency Fund (DEF) are hereby found insufficient to pay for fire suppression, response, consequence management, and recovery efforts related to the Marshall Fire. Therefore, I order that forty million four hundred thirty one thousand two hundred and twenty six dollars (\$40,431,226) be transferred from the State Emergency Reserve Cash Fund (SER) to the DEF. I order that forty million dollars (\$40,000,000) from the DEF be encumbered to pay for fire suppression, response, consequence management, and recovery efforts related to the Marshall Fire. I further order that four hundred thirty one thousand two hundred and twenty six dollars (\$431,226) from the DEF be allocated to the Office of the Governor for a term-limited Senior Advisor to the Chief of Staff on Wildfire Recovery and Resiliency and a term-limited Deputy Coordinator for Wildfire Recovery for FY22-23 and FY23-24 to coordinate with the State's Marshall Fire Recovery Task Force and local recovery efforts, convene interested parties, troubleshoot across all levels of government, and to help generate innovative solutions to delivering recovery services and formulate policy decisions and ways to rebuild quicker and with more resilience.

III. Duration

This Executive Order shall expire thirty (30) days from December 30, 2021, unless extended further by Executive Order, except that the funds described in Section II(E) above shall remain available for the described purposes for thirty-six (36) months from the date of this Executive Order.



GIVEN under my hand and the
Executive Seal of the State of
Colorado, this twenty-sixth day of
January 2022

A handwritten signature in blue ink that reads "Jared Polis". The signature is written in a cursive, flowing style.

Jared Polis
Governor