



D 2022 012

EXECUTIVE ORDER

Amending and Extending Executive Orders D 2022 004 and D 2022 005 Concerning the Disaster Emergency Due to the Marshall Fire in Boulder 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, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order to amend and extend Executive Orders D 2022 004, as extended by D 2022 005, that declared a state of disaster emergency due to the Marshall Fire and straight-line winds in Boulder 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).

Around 10:30 a.m. on December 30, 2021, a grass fire, paired with straight-line winds in excess of one hundred miles per hour, quickly spread to populated areas within Boulder County and threatened lives and structures. Also on December 30, 2021, 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, a Fire Management Assistance Grant was approved by the Federal Emergency Management Agency’s (FEMA) Regional Administrator 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.

Damage assessments completed by January 26, 2022 determined that the Marshall Fire burned 6,080 acres, destroyed 1,086 homes and 7 commercial buildings, as well as damaged 205 homes and 30 commercial buildings. The current loss estimates of residential property is \$549,456,877, commercial property is \$65,994,564, and public infrastructure is \$65,006,228.

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 amends and extends Executive Orders D 2022 004 and D 2022 005 to return ten million dollars (\$10,000,000) from the Disaster Emergency Fund (DEF) to the State Emergency Reserve Cash Fund (SER) and releases the Colorado National Guard from its employment for the purposes of responding to the Marshall Fire.

II. Amendment

Executive Order D 2022 004, as extended by D 2022 005, is amended to:

1. Add the following sentence to the end of Section II(C):

As of February 25, 2022, the Colorado National Guard is released from its employment for the purpose of responding to the Marshall Fire.

2. Add the following sentence to the end of Section II(E):

Ten million dollars (\$10,000,000) of the forty million dollars (\$40,000,000) from the DEF that was encumbered to pay for fire suppression, response, consequence management, and recovery efforts related to the Marshall Fire is to be released and transferred back from the DEF to the SER. Thirty million dollars (\$30,000,000) remains available from the DEF for the above purposes.

III. Duration

This Executive Order amends and extends Executive Order D 2022 004, as extended by D 2022 005, which shall expire thirty (30) days from February 25, 2022, unless extended further by Executive Order, except that the funds described in Section II(E) shall remain available for the described purposes for thirty-six (36) months from the date of Executive Order D 2022 004.



GIVEN under my hand and
the Executive Seal of the
State of Colorado, this
twenty-fifth day of February
2022.

Jared Polis
Governor