



## D 2022 018

### EXECUTIVE ORDER

#### **Amending Funding Provision for Executive Orders D 2022 004, D 2022 005, and D 2022 012 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 the funding provision of Executive Order D 2022 004, as amended and extended by Executive Orders D 2022 005 and D 2022 012, due to the increased Federal government share of funds to manage and respond to the Marshall Fire 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.

On January 26, 2022, I issued Executive Order D 2022 004, memorializing my verbal order and allocating \$40,431,266 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. On January 28, 2022, I issued Executive Order D 2022 005, which extended the disaster declaration. On February 25, 2022, I issued Executive Order D 2022 012, amending 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). Pursuant to Executive Order D 2022 004, as amended and extended, the disaster expired on March 26, 2022, but the funding remains available for the described purposes for thirty-six (36) months from January 26, 2022.

This Executive Order amends the funding provision of Executive Order D 2022 004, as amended and extended by Executive Orders D 2022 005 and D 2022 012, to unencumber \$19,168,322 from the DEF due to the increased Federal government share of funds to manage and respond to the Marshall Fire in Boulder County.

## **II. Amendment**

Executive Order D 2022 004, as amended and extended by Executive Orders D 2022 005 and D 2022 012, is amended as follows:

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

Nineteen million one hundred sixty eight thousand three hundred twenty two dollars (\$19,168,322) of the forty million dollars (\$40,000,000) originally encumbered from the DEF for fire suppression, response, consequence management, and recovery efforts related to the Marshall Fire is to be unencumbered. Ten million eight hundred thirty one thousand six hundred seventy eight dollars (\$10,831,678) remains available in the DEF for the above purposes.

## **III. Duration**

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  
eleventh day of May 2022.

Jared Polis  
Governor