



## D 2022 019

### EXECUTIVE ORDER

#### **Declaring a Disaster Emergency Due to the Bent's Fort and Fort Lyons Fires in Otero and Bent Counties**

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 declaring a state of disaster emergency due to the Bent's Fort and Fort Lyons Fires in Otero and Bent Counties, respectively, enabling State agencies to coordinate for fire suppression, response, consequence management, and recovery efforts.

#### **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).

The Bent's Fort Fire started on April 12, 2022, in Otero County, on private land near La Junta, Colorado. Shortly thereafter, also on April 12, the Fort Lyons Fire started in Bent County, on private land near Las Animas, Colorado. Due to high winds and dry conditions, both fires grew quickly to 4,586 acres (1,677 acres for Bent's Fort and 2,909 acres for Fort Lyons), and exceeded the capability of local response resources. The Bent's Fort Fire directly threatened the Bent's Fort National Historic Site, a major economic source and tourism site within Otero County. The Fort Lyons Fire directly threatened the Fort Lyon Supportive Residential Community, which provides transitional housing for 250 individuals experiencing homelessness. Local resources were quickly overwhelmed due to both of the fast growing fires in adjacent counties, where the response agencies are mostly comprised of volunteer fire departments. At approximately 6:30 PM on April 12, 2022, the Division of Fire Prevention and Control determined that the Bent's Fort and Fort Lyons Fires had exceeded both Otero and Bent Counties' capabilities and were eligible for state responsibility.

On April 12, 2022, at approximately 7:21 PM, I verbally declared a disaster emergency for the Bent's Fort and Fort Lyons Fires in Otero and Bent Counties and activated the State Emergency Operations Plan.

As of April 16, 2022, the combined Bent's Fort and Fort Lyons Fires burned 4,592 acres and were 100% contained.

## **II. Declarations and Directives**

- A. The Bent's Fort and Fort Lyons Fires and associated impacts constitute a disaster emergency under C.R.S. § 24-33.5-701, *et seq.* My verbal order of April 12, 2022, 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 provision of appropriate staff and equipment as necessary.
- C. I encumber six hundred eleven thousand dollars (\$611,000) in the Disaster Emergency Fund, established in C.R.S. § 24-33.5-706(2)(a), for costs associated with the State's fire suppression, response, consequence management, and recovery efforts related to the Bent's Fort and Fort Lyons Fires since April 12, 2022.
- D. Pursuant to C.R.S. § 24-33.5-705.4(5), the Director of the Office of Emergency Management is hereby authorized and directed to allocate the funding to the appropriate government agencies and non-profit organizations and execute awards, purchase orders, or other mechanisms to effect the allocation of the funds. The funds described in Section II(C) above shall remain available for this purpose until thirty-six (36) months from the date of this Executive Order, and any unexpended funds shall remain in the Disaster Emergency Fund.
- E. The Division of Fire Prevention and Control, via its fire billing practices, is authorized to coordinate application for any funds available related to this disaster emergency. Specifically, the Colorado Division of Fire Prevention and Control is directed to seek reimbursement and make payments as needed to agencies providing assistance on this incident.

**III. Duration**

This Executive Order shall expire thirty (30) days from April 12, 2022, unless extended further by Executive Order, except that the funds described in Section II(C) 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  
eleventh day of May 2022.

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

Jared Polis  
Governor