



## D 2022 030

### EXECUTIVE ORDER

#### **Declaring a Disaster Emergency Due to the Menkhaven Fire in Conejos 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 declaring a state of disaster emergency due to the Menkhaven Fire in Conejos County 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 Menkhaven Fire started on May 28, 2022, in Conejos County west of Antonito, Colorado. Due to dry conditions, the Menkhaven Fire quickly spread to 153 acres in inaccessible terrain, threatening 31 single residences. Critical fire weather and a large number of spot fires in front of the main fire created the potential for significant additional growth and evacuations.

On May 28, 2022, at approximately 5:48 PM, I verbally declared a disaster emergency for the Menkhaven Fire in Conejos County and activated the State Emergency Operations Plan.

As of June 7, 2022, the Menkhaven Fire burned 242 acres and was 100% contained.

#### **II. Declarations and Directives**

- A. The Menkhaven Fire and associated impacts constitute a disaster emergency under C.R.S. § 24-33.5-701, *et seq.* My verbal order of May 28, 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. 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 Menkhaven 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 Menkhaven Fire. Therefore, I order that eight hundred ten thousand dollars (\$810,000) be transferred from the State Emergency Reserve Cash Fund (SER) to the DEF. I encumber eight hundred ten thousand dollars (\$810,000) in the DEF, 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 Menkhaven Fire.
- 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 May 28, 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  
twenty-sixth day of June  
2022.

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

Jared Polis  
Governor