



D 2023 010

EXECUTIVE ORDER

Declaring a Disaster Emergency Due to the Gageby Creek Fire in Bent 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, issue this Executive Order declaring a state of disaster emergency due to the Gageby Creek Fire in Bent County, enabling State agencies to coordinate for fire suppression, response, consequence management, mitigation, 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 Gageby Creek Fire started on April 18, 2023, in Bent County. Strong and shifting erratic winds spread the fire in multiple directions, covering 3,040 acres. Due to drought conditions and the high winds, numerous other smaller fires started in multiple fire districts, and combined with the Gageby Creek Fire to exceed the capacity of local agencies. Within one day, the fire grew an additional 1,667 acres.

On April 20, 2023, at approximately 8:35 AM, I verbally declared a disaster emergency for the Gageby Creek Fire in Bent County and activated the State Emergency Operations Plan.

As of April 22, the fire spread to 4,618 acres on State and private lands and was 60% contained. By April 23, 2023, the fire was 90% contained. The Gageby Creek Fire was completely contained on April 28, 2023, at approximately 11:00 AM.

II. Declarations and Directives

- A. The Gageby Creek Fire and associated impacts constitute a disaster emergency under C.R.S. § 24-33.5-701, *et seq.* My verbal order of April 20, 2023, 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. My verbal order of April 20, 2023, activated the State Emergency Operations Plan. All State departments and agencies were authorized to take whatever actions may be required and requested by the Director or their delegate of the Office of Emergency Management, pursuant to the State Emergency Operations Plan, including provision of appropriate staff and equipment as necessary.
- C. Funds in the Emergency Fire Fund are hereby found insufficient to pay for the State fire suppression, response, consequence management, mitigation, and recovery efforts related to the Gageby Creek Fire. Further, pursuant to C.R.S. § 24-33.5-706(4)(b), funds in the Disaster Emergency Fund (DEF) are insufficient to pay for fire suppression, response, consequence management, mitigation, and recovery efforts related to the Gageby Creek Fire. Therefore, I order that three hundred forty thousand dollars (\$340,000) be transferred from the State Emergency Reserve Cash Fund (SERCF) to the DEF. I encumber three hundred forty thousand dollars (\$340,000) 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, mitigation, and recovery efforts related to the Gageby Creek 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 be transferred back to the SERCF.
- 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.

II. Duration

This Executive Order shall expire thirty (30) days from April 20, 2023, 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 sixteenth day
of May, 2023.

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

Jared Polis
Governor