



## D 2023 015

### EXECUTIVE ORDER

**Declaring a Disaster Emergency Due to the Lowline Fire in Gunnison County  
and  
Amending Duration Provision for Funding in Executive Order D 2020 171 Concerning  
the Disaster Emergency Due to the Pine Gulch Fire in Mesa and Garfield 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, issue this Executive Order declaring a state of disaster emergency due to the Lowline Fire in Gunnison County, enabling State and Federal agencies to coordinate fire suppression, response, consequence management, hazard mitigation, and recovery efforts, and amending the duration provision for funding in Executive Order D 2020 171, enabling State agencies to coordinate ongoing response, recovery, and mitigation efforts related to the disaster emergency due the Pine Gulch Fire in Mesa and Garfield Counties.

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).

#### **I. Background and Purpose Regarding Lowline Fire**

The Lowline Fire started on July 26, 2023, in Gunnison County, 14 miles northwest of Gunnison and 11 miles southwest of Crested Butte. The fire initially burned 700 acres in the Grand Mesa Uncompahgre National Forest and on private land. The fire burned a secondary home that was under construction and threatened 20 primary residences as well as seven other structures. The fire exceeded the Gunnison County local capabilities due to steep terrain, heavy fuels, complexity, cost, and potential long duration of the incident. The Division of Fire Prevention and Control (DFPC) within the Department of Public Safety, in conjunction with Gunnison County, determined that the fire met the criteria for a State Responsibility Fire, and DFPC assumed responsibility at 12:01 AM on July 27, 2023.

On July 27, 2023 at approximately 7:05 AM, I verbally declared a disaster emergency due to the Lowline Fire in Gunnison County and activated the State of Colorado Emergency Operations Plan.

As of August 14, 2023, 1,871 acres burned and the Lowline Fire was 55% contained.

## **II. Declarations and Directives Regarding Lowline Fire**

- A. The Lowline Fire and associated impacts constitute a disaster emergency under C.R.S. § 24-33.5-701, *et seq.* My verbal order of July 27, 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 July 27, 2023, activated the State Emergency Operations Plan. 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 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 Lowline 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 Lowline Fire. Therefore, I order that three million three hundred forty thousand dollars (\$3,340,000) be transferred from the State Emergency Reserve Cash Fund (SERCF) to the DEF. I encumber three million three hundred forty thousand dollars (\$3,340,000) 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 Lowline 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 sixty (60) months from the date of this Executive Order, and any unexpended funds shall remain in the DEF.
- 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. Background and Purpose Regarding Pine Gulch Fire**

The Pine Gulch Fire started July 31, 2020, on Bureau of Land Management land in Mesa County. On August 2, 2020, fire behavior became very active due to weather and drought conditions. The fire spread was mapped at 1,021 acres, with zero percent containment, on federal, State, and private land. By 8:00 PM on August 2, 2020, the fire had grown to more than 2,500 acres. Values at risk include oil and gas infrastructure, livestock, cabins, and other structures. At approximately 8:30 PM on August 2, 2020, the Division of Fire Prevention and Control determined that the Pine Gulch Fire had exceeded county capacity and was eligible for State responsibility per the Emergency Fire Fund criteria.

At approximately 9:10 PM on August 2, 2020, I verbally declared a disaster emergency for the Pine Gulch Fire in Mesa County and activated the State of Colorado Emergency Operations Plan.

On August 22, 2020, I issued Executive Order D 2020 171 declaring a state of disaster emergency due to the Pine Gulch Fire in Mesa and Garfield Counties, enabling State agencies to coordinate and making resources available for fire suppression, response, consequence management, and recovery efforts.

Numerous evacuations, road closures, and closures of energy facilities occurred. On September 22, 2020, the Pine Gulch Fire was declared contained. The Pine Gulch Fire burned 139,007 acres and destroyed two primary residences and four secondary structures. Cattle were lost as well as a result of the fire.

Pursuant to Executive Order D 2020 171, the disaster declaration expired on August 31, 2020, but the funding remains available for the described purposes in that Executive Order for 36 months from August 22, 2020. This Executive Order amends the duration provision for funding in Executive Order D 2020 171 for an additional 24 months, for a total of 60 months from the date of Executive Order D 2020 171. This extension will ensure the funds allocated in that Executive Order, eight million dollars (\$8,000,000), remain available beyond 36 months, to enable State agencies to coordinate ongoing response, recovery, and mitigation efforts related to the Pine Gulch Fire.

### **IV. Amendment of Executive Order D 2020 171 Concerning the Pine Gulch Fire**

Section II(D) of Executive Order D 2020 171 is amended to read as follows:

1. 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 sixty (60) months from the date of this Executive Order D 2020 171, and any unexpended funds shall remain in the Disaster Emergency Fund.

**V. Duration**

Sections I and II regarding the Lowline Fire shall expire thirty days from July 27, 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 sixty (60) months from the date of this Executive Order. Sections III and IV regarding the Pine Gulch Fire shall expire on August 22, 2025, unless extended further by Executive Order. In all other respects, Executive Order D 2020 171 shall remain in full force and effect as originally promulgated.



GIVEN under my hand and the Executive Seal of the State of Colorado this twenty-second day of August, 2023.

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

Jared Polis  
Governor