



D 2023 017

EXECUTIVE ORDER

Amending Executive Order D 2020 254 Concerning Funding for the Lefthand Fire in Boulder County and Amending the Duration Provisions for Funding for Multiple Fires throughout Colorado in 2020

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 amending Executive Order D 2020 254 concerning funding for the Lefthand Fire in Boulder County, and amending the duration provisions for funding for multiple fires throughout Colorado in 2020.

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 damages, 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 Lefthand Fire started on October 18, 2020, in Boulder County, on United States Forest Service Land, one mile east of Ward, and immediately threatened 200 single residences. On October 18, 2020, the fire grew to 320 acres and was 4% contained. The Calwood Fire started on October 17, 2020, in Boulder County and the combination of these two incidents greatly reduced local response capacity. At approximately 3:40 PM on October 18, 2020, the Division of Fire Prevention and Control determined that the Lefthand Fire had exceeded county capacity and was eligible for state responsibility per the Emergency Fire Fund criteria.

On October 18, 2020, at approximately 5:04 PM, I verbally declared a disaster emergency for the Lefthand Fire in Boulder County and activated the State of Colorado Emergency Operations Plan.

As of October 25, 2020, the Lefthand Fire burned 460 acres total and was 100% contained. There were 1,141 residents evacuated during the fire.

On November 15, 2020, I issued Executive Order D 2020 254, memorializing my disaster declaration and encumbering one hundred forty seven thousand five hundred dollars (\$147,500)

in the Disaster Emergency Fund for costs associated with fire suppression, response, consequence management, and recovery efforts related to the Lefthand Fire.

This Executive Order amends Executive Order D 2020 254 to encumber an additional twenty seven thousand seven hundred ninety five dollars (\$27,795) in the Disaster Emergency Fund to cover the remaining, actual costs beyond initial estimates at the time the Lefthand Fire occurred, for a total of \$175,295.

In addition, this Executive Order amends the duration provisions for funding in five Executive Orders concerning fires throughout Colorado in 2020:

- Grizzly Creek Fire in Garfield and Eagle Counties (D 2020 187; \$3,150,000 encumbered from the Disaster Emergency Fund)
- Cameron Peak Fire in Larimer County (D 2020 208; \$6,739,500 encumbered from the Disaster Emergency Fund)
- Mullen Fire in Jackson County (D 2020 233; \$610,000 encumbered from the Disaster Emergency Fund)
- East Troublesome Fire in Grand County (D 2020 252; \$1,495,000 encumbered from the Disaster Emergency Fund)
- Calwood Fire in Boulder County (D 2020 253; \$3,648,000 encumbered from the Disaster Emergency Fund)

These fires were all declared disaster emergencies in 2020, with encumbered disaster emergency funds. Pursuant to their respective Executive Orders, funding for those fires remains available for 36 months from the dates of the Executive Orders, meaning the use of the funding would expire in 2023. This Executive Order amends each duration provision for funding for an additional 36 months, for a total of 72 months from the date of the Executive Orders, so that the encumbered funds shall remain available until 2026. The extensions will ensure the funds allocated in the respective Executive Orders remain available beyond 36 months, to enable State agencies to coordinate and complete fire billing and reimbursement processes with affected local and federal agencies.

II. Amendments

Section II.C of Executive Order D 2020 254 (Lefthand Fire) is amended to read as follows:

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 Lefthand Fire. In addition, pursuant to C.R.S. § 24-33.5-706(4)(b), funds in the Disaster Emergency Fund are hereby found insufficient to pay for the State's fire suppression, response, consequence management, and recovery efforts related to the Lefthand Fire. I therefore transfer one hundred forty

seven thousand five hundred dollars (\$147,500) into the Disaster Emergency Fund from the Controlled Maintenance Trust Fund. I also transfer twenty seven thousand seven hundred ninety five dollars (\$27,795) from the State Emergency Reserve Cash Fund (SERCF) to the Disaster Emergency Fund. I encumber one hundred seventy five thousand two hundred ninety five dollars (\$175,295) from the Disaster Emergency Fund, established in C.R.S. § 24-33.5-706(2)(a), for costs associated with suppression resources related to the Lefthand Fire since October 18, 2020, and the State's fire suppression, response, consequence management, and recovery efforts related to the Lefthand Fire since October 18, 2020.

Section II(D) of Executive Order D 2020 187 (Grizzly Creek Fire) is amended to read as follows:

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 seventy-two (72) months from the date of this Executive Order, and any unexpended funds shall remain in the Disaster Emergency Fund.

Section II(D) of Executive Order D 2020 208 (Cameron Peak Fire) is amended to read as follows:

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 seventy-two (72) months from the date of this Executive Order, and any unexpended funds shall remain in the Disaster Emergency Fund.

Section II(D) of Executive Order D 2020 233 (Mullen Fire) is amended to read as follows:

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 seventy-two (72) months from the date of this Executive Order, and any unexpended funds shall remain in the Disaster Emergency Fund.

Section II(D) of Executive Order D 2020 252 (East Troublesome Fire) is amended to read as follows:

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 seventy-two (72) months from the date of this Executive Order, and any unexpended funds shall remain in the Disaster Emergency Fund.

Section II(D) of Executive Order D 2020 253 (Calwood Fire) is amended to read as follows:

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 seventy-two (72) months from the date of this Executive Order, and any unexpended funds shall remain in the Disaster Emergency Fund.

III. Duration

This Executive Order shall remain in effect unless modified or rescinded by Executive Order. In all other respects, Executive Orders D 2020 254, D 2020 187, D 2020 208, D 2020 233, D 2020 252, and D 2020 253, shall remain in full force and effect as originally promulgated.



GIVEN under my hand and the Executive Seal of the State of Colorado, this eighth day of September, 2023.

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

Jared Polis
Governor