



D 2023 022

EXECUTIVE ORDER

Declaring a Disaster Emergency Due to the Hazardous Materials Incident in Fremont County and Authorizing Employment of the Colorado National Guard

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 Hazardous Materials Incident in Fremont County, enabling State and federal agencies to coordinate response, consequence management, hazard mitigation, and recovery efforts.

Further, pursuant to Article IV, Section 5 of the Colorado Constitution and C.R.S. § 28-3-104, I authorize employing unarmed members of the Colorado National Guard for the purpose of responding to the Hazardous Materials Incident in Fremont County by providing fatality management support.

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.” C.R.S. § 24-33.5-703(3).

On October 3, 2023, Fremont County officials investigated a complaint of suspicious activity at a site within the County.

On October 4, 2023, Fremont County Sheriff’s Office, Fremont County Coroner’s Office, and the Colorado Department of Regulatory Agencies executed a search warrant and determined that human remains were improperly stored at the site.

On October 5, 2023, the Fremont County Board of County Commissioners declared a local disaster due to the discovery of severe hazardous and biohazardous conditions at the site. The County determined that the conditions discovered exceeded the capabilities of Fremont County authorities to secure, collect, investigate, identify, analyze, assess, and process the evidence and other conditions and materials at the site. Further, the fatality management needs

exceeded Fremont County's capabilities. The County requested assistance from State and federal agencies to assist with investigation, response, hazard mitigation, and recovery of the property and evidence discovered at the site.

On October 5, 2023, at approximately 9:10 p.m., I verbally declared a disaster emergency due to the Hazardous Materials Incident in Fremont County and activated the State of Colorado Emergency Operations Plan. At the same time, I verbally authorized employment of the Colorado National Guard in an unarmed capacity to assist with fatality management support.

This Executive Order memorializes my verbal order on October 5, 2023, declaring a state of disaster emergency due to the Hazardous Materials Incident and employing the Colorado National Guard in an unarmed capacity for the purpose of fatality management. This Executive Order also allocates \$1,000,000 for response, consequence management, hazard mitigation, and recovery efforts related to the Hazardous Materials Incident.

II. Declarations and Directives

- A. The Hazardous Materials Incident and associated impacts in Fremont County constitute a disaster emergency under C.R.S. § 24-33.5-701, *et seq.* My verbal order of October 5, 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 in this Executive Order.
- B. Further, pursuant to C.R.S. § 28-3-104, this Executive Order hereby memorializes my verbal order of October 5, 2023, authorizing employment and use of the Colorado National Guard in an unarmed capacity to assist with fatality management, and the verbal authorization has the full force and effect of law as if contained within this Executive Order.
- C. My verbal order of October 5, 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.
- D. I urge any legal enforcement of the conduct that led to the Hazardous Materials Incident to consider appropriate civil judgments on behalf of the families impacted and on behalf of State resources used to secure, collect, investigate, identify, analyze, assess, and process the evidence and other conditions and materials at the site.
- E. Pursuant to C.R.S. § 24-33.5-706(4)(b), funds in the Disaster Emergency Fund (DEF) are insufficient to pay for response, consequence management, hazard mitigation, and recovery efforts related to the Hazardous Materials Incident in

Fremont County. Therefore, I order that one million dollars (\$1,000,000) be transferred from the State Emergency Reserve Cash Fund (SERCF) to the DEF. I encumber one million dollars (\$1,000,000) in the DEF to pay for response, consequence management, hazard mitigation, and recovery efforts related to the Hazardous Materials Incident in Fremont County.

- F. 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 nonprofit organizations and execute awards, purchase orders or other mechanisms to effect the allocation of funds. The funds described in Section II(E) 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 DEF.

III. Duration

This Executive Order shall expire thirty (30) days from October 5, 2023, unless extended further by Executive Order, except that the funds described in Section II(E) above shall remain available for the described purposes for seventy-two (72) months from the date of this Executive Order.



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

A handwritten signature in blue ink that reads "Jared Polis". The signature is fluid and cursive, written over a light-colored rectangular background.

Jared Polis
Governor