



D 2025 004

EXECUTIVE ORDER

Amending Executive Orders D 2020 171, D 2023 015, D 2022 019, D 2022 024, D 2022 025, and D 2022 030, Pertaining to the Pine Gulch, Bent's Fort, Fort Lyons, High Park, Ute Pass, and Menkhaven Fires to Ensure Sufficient and Continued Availability of Disaster Emergency Funds

And

Amending Executive Order D 2013 026 (and subsequent Executive Orders) Pertaining to the Historic 2013 Flooding in Colorado to Ensure Continued Availability of Disaster Emergency Funds

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 prior Executive Orders pertaining to the Pine Gulch, Bent's Fort, Fort Lyons, High Park, Ute Pass, and Menkhaven Fires to ensure sufficient and continued availability of disaster emergency funds to respond to these disasters.

In addition, I hereby issue this Executive Order amending Executive Order D 2013 026 and subsequent Executive Orders pertaining to the historic 2013 flooding in Colorado to ensure continued availability of disaster emergency funds.

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, flood" C.R.S. § 24-33.5-703(3).

Fires

The Pine Gulch Fire started on July 31, 2020, on Bureau of Land Management land in Mesa County. On August 2, 2020, at approximately 9:10 PM, 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,

memorializing my verbal declaration of a disaster emergency, encumbering \$8,000,000 from the Disaster Emergency Fund (DEF) for costs associated with the State's fire suppression, response, consequence management, and recovery efforts related to the Pine Gulch Fire, and making the funds available for thirty-six (36) months from the date of my Executive Order. On August 22, 2023, I issued Executive Order D 2023 015, which extended the duration provision for funding in the original Executive Order for an additional twenty-four (24) months. This extension ensured the funds allocated in the original Executive Order would remain available to enable State agencies to coordinate ongoing response, recovery, and mitigation efforts related to the Pine Gulch Fire.

The Bent's Fort Fire started on April 12, 2022, in Otero County, on private land near La Junta, Colorado. Shortly thereafter, also on April 12, the Fort Lyons Fire started in Bent County, on private land near Las Animas, Colorado. On April 12, 2022, at approximately 7:21 PM, I verbally declared a disaster emergency for the Bent's Fort and Fort Lyons Fires in Otero and Bent Counties and activated the State Emergency Operations Plan. On May 11, 2022, I issued Executive Order D 2022 019, memorializing my verbal declaration of a disaster emergency, encumbering \$611,000 from the DEF for costs associated with the State's fire suppression, response, consequence management, and recovery efforts related to the Bent's Fort and Fort Lyons Fires, and making the funds available for thirty-six (36) months from the date of my Executive Order.

The High Park Fire started on May 12, 2022, in Teller County on private land west of Cripple Creek, Colorado. On May 13, 2022, at approximately 8:38 PM, I verbally declared a disaster emergency for the High Park Fire in Teller County and activated the State of Colorado Emergency Operations Plan. On June 8, 2022, I issued Executive Order D 2022 024, memorializing my verbal declaration of a disaster emergency, encumbering \$1,835,000 from the DEF for costs associated with the State's fire suppression, response, consequence management, and recovery efforts related to the High Park Fire, and making the funds available for thirty-six (36) months from the date of my Executive Order.

The Ute Pass Fire started on May 13, 2022, in La Plata County on private land east of Durango, Colorado. On May 13, 2022, at approximately 8:31 PM, I verbally declared a disaster emergency for the Ute Pass Fire in La Plata County and activated the State of Colorado Emergency Operations Plan. On June 8, 2022, I issued Executive Order D 2022 025, memorializing my verbal declaration of a disaster emergency, encumbering \$115,000 from the DEF for costs associated with the State's fire suppression, response, consequence management, and recovery efforts related to the Ute Pass Fire, and making the funds available for thirty-six (36) months from the date of my Executive Order.

The Menkhaven Fire started on May 28, 2022, in Conejos County west of Antonito, Colorado. 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 of Colorado Emergency Operations Plan. On June 26, 2022, I issued Executive Order D 2022 030, memorializing my verbal declaration of a disaster emergency, encumbering \$810,000 from the DEF for costs associated with the State's fire suppression, response, consequence management, and recovery efforts related to the Menkhaven Fire, and making the funds available for thirty-six (36) months from the date of my Executive Order.

2013 Flooding

Beginning on September 11, 2013, heavy rainfall fell west of Interstate 25 from south of Colorado Springs to the Wyoming border. This rainfall led to historic flooding, resulting in loss of life, injuries, and widespread property and infrastructure damage across more than 20 counties in Colorado. On September 12, 2013, Governor Hickenlooper verbally declared a disaster emergency for the flooding in Boulder and Larimer Counties and activated the State of Colorado Emergency Operations Plan. On September 13, 2013, Governor Hickenlooper issued Executive Order D 2013 026, memorializing his verbal declaration of a disaster emergency and encumbering funds in the Disaster Emergency Fund (DEF) to pay for the flood response and recovery. This disaster declaration was later expanded by Governor Hickenlooper to cover 24 counties in the State. The disaster declaration was subsequently extended and amended in Executive Orders D 2013 027, D 2013 028, D 2013 030, D 2013 031, D 2013 033, D 2014 001, D 2014 002, D 2014 006, D 2014 012, D 2016 005, and D 2019 001.

In 2019, I amended these Executive Orders due to the need for additional resources for ongoing response, recovery, and mitigation efforts. In Executive Order D 2019 001, I transferred \$12,500,000, as authorized by HB 18-1322, from the General Fund to the DEF to pay for response, recovery, and mitigation efforts connected with the 2013 Flooding. I also encumbered \$7,000,000 in the DEF to pay for response, recovery, and mitigation efforts connected with the 2013 Flooding. The total funds allocated to the 2013 Flooding were to remain available for sixty (60) months from December 9, 2019.

This Executive Order

This Executive Order amends Executive Orders D 2020 171, D 2023 015, D 2022 019, D 2022 024, D 2022 025, and D 2022 030, pertaining to the Pine Gulch, Bent's Fort, Fort Lyons, High Park, Ute Pass, and Menkhaven Fires to ensure sufficient and continued availability of disaster emergency funds to respond to these disasters. Specifically, this Executive Order extends availability of funds for each fire by another forty-eight (48) months, so that encumbered funds in the Disaster Emergency Fund (DEF) may continue to be used for response and recovery

efforts related to these fires, and so that State agencies are able to continue to coordinate and complete fire billing and reimbursement processes with affected local and federal agencies.

In addition, this Executive Order allocates an additional \$36,500 to the Bent's Fort and Fort Lyons Fires; \$242,100 to the High Park Fire; and \$25,300 to the Ute Pass Fire. These funds are necessary for additional response, recovery, and suppression expenses for these fires beyond the initial estimates that were available at the time of the fires and the initial Executive Orders. The additional funding is transferred from the State Emergency Reserve Cash Fund to the DEF, and then encumbered in the DEF.

In sum, this Executive Order amends the duration provisions for funding for six (6) fires throughout Colorado in 2020 and 2022, and allocates additional funds for three (3) of these fires:

- Pine Gulch Fire in Mesa County (D 2020 171 and D 2023 015; \$8,000,000 encumbered from the DEF)
- Bent's Fort Fire in Otero County and Fort Lyons Fire in Bent County (D 2022 019; \$611,000 encumbered from the DEF)
 - Allocates an additional \$36,500, for a total of \$647,500
- High Park Fire in Teller Count (D 2022 024; \$1,835,000 encumbered from the DEF)
 - Allocates an additional \$242,100, for a total of \$2,077,100
- Ute Pass Fire in La Plata County (D 2022 025; \$115,000 encumbered from the DEF)
 - Allocates an additional \$25,300, for a total of \$140,300
- Menkhaven Fire in Conejos County (D 2022 030; \$810,000 encumbered from the DEF)

This Executive Order also amends Executive Order D 2019 001 pertaining to 2013 Flooding (which amended Executive Orders D 2013 026, D 2013 027, D 2013 028, D 2013 030, D 2013 031, D 2013 033, D 2014 001, D 2014 002, D 2014 006, D 2014 012, and D 2016 005). This amendment will ensure sufficient and continued availability of disaster emergency funds to respond to this historic event in Colorado. The extension is needed due to the State's and the federal government's timeline for the administrative closeout of projects and to ensure all local entities achieve the maximum reimbursement possible. Specifically, this Executive Order extends availability of funds for the 2013 Flooding by another thirty-six (36) months from December 9, 2024.

II. Fire Duration Amendments

1. Executive Order D 2020 171 (Pine Gulch Fire), as amended by D 2023 015, is amended so that the duration clause indicates that the funds described in Section II.C of Executive Order D 2020 171 (and amended in Section IV.1 of Executive Order D 2023 015) shall remain available for the described purposes for an additional forty-eight (48) months, for a total of one hundred and eight (108) months from the date of Executive Order D 2020 171.
2. Executive Order D 2022 019 (Bent's Fort and Fort Lyons Fires) is amended so that the duration clause indicates that the funds described in Section II.C of Executive Order D 2022 019 shall remain available for the described purposes for an additional forty-eight (48) months, for a total of eighty-four (84) months from the date of Executive Order D 2022 019.
3. Executive Order D 2022 024 (High Park Fire) is amended so that the duration clause indicates that the funds described in Section II.C of Executive Order D 2022 024 shall remain available for the described purposes for an additional forty-eight (48) months, for a total of eighty-four (84) months from the date of Executive Order D 2022 024.
4. Executive Order D 2022 025 (Ute Pass Fire) is amended so that the duration clause indicates that the funds described in Section II.C of Executive Order D 2022 025 shall remain available for the described purposes for an additional forty-eight (48) months, for a total of eighty-four (84) months from the date of Executive Order D 2022 025.
5. Executive Order D 2022 030 (Menkhaven Fire) is amended so that the duration clause indicates that the funds described in Section II.C of Executive Order D 2022 030 shall remain available for the described purposes for an additional forty-eight (48) months, for a total of eighty-four (84) months from the date of Executive Order D 2022 030.

III. Fire Funding Amendments

1. Pursuant to C.R.S. § 24-33.5-706(4)(b), funds in the Disaster Emergency Fund (DEF) are insufficient to pay for additional response, recovery, and suppression expenses for the Bent's Fort and Fort Lyons Fires (\$36,500), High Park Fire (\$242,100), and Ute Pass Fire (\$25,300). Therefore, I order that three hundred and three thousand nine hundred dollars (\$303,900) be transferred from the State Emergency Reserve Cash Fund to the DEF.
2. Section II.C of Executive Order D 2022 019 (Bent's Fort and Fort Lyons Fires) is amended to encumber an additional thirty six thousand, five hundred dollars (\$36,500) in the Disaster Emergency Fund (DEF) for additional response, recovery, and suppression

expenses for these fires beyond the initial estimates that were available at the time of the fires and the initial Executive Order, for a total of \$647,500 encumbered in the DEF.

3. Section II.C of Executive Order D 2022 024 (High Park Fire) is amended to encumber an additional two hundred forty two thousand, one hundred dollars (\$242,100) in the Disaster Emergency Fund (DEF) for additional response, recovery, and suppression expenses for this fire beyond the initial estimates that were available at the time of the fire and the initial Executive Order, for a total of \$2,077,100 encumbered in the DEF.
4. Section II.C of Executive Order D 2022 025 (Ute Pass Fire) is amended to encumber an additional twenty five thousand, three hundred dollars (\$25,300) in the Disaster Emergency Fund (DEF) for additional response, recovery, and suppression expenses for this fire beyond the initial estimates that were available at the time of the fire and the initial Executive Order, for a total of \$140,300 encumbered in the DEF.

IV. 2013 Flood Duration Amendment

1. Executive Order D 2019 001 (which amends Executive Orders D 2013 026, D 2013 027, D 2013 028, D 2013 030, D 2013 031, D 2013 033, D 2014 001, D 2014 002, D 2014 006, D 2014 012, and D 2016 005, pertaining to 2013 Flooding) is amended so that the duration clause indicates that the funds described in the Executive Orders shall remain available for the described purposes for an additional thirty-six (36) months from December 9, 2024.

V. Duration

This Executive Order shall remain in effect unless modified or rescinded by future Executive Order. In all other respects, Executive Orders D 2020 171, D 2023 015, D 2022 019, D 2022 024, D 2022 025, and D 2022 030 (pertaining to fires) and Executive Orders D 2013 026, D 2013 027, D 2013 028, D 2013 030, D 2013 031, D 2013 033, D 2014 001, D 2014 002, D 2014 006, D 2014 012, D 2016 005, and D 2019 001 (pertaining to 2013 flooding) shall remain in full force and effect as originally promulgated.



GIVEN under my hand and the
Executive Seal of the State of
Colorado this ninth
day of May, 2025.

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

Jared Polis
Governor