STATE OF COLORADO

OFFICE OF THE GOVERNOR

136 State Capitol Building
Denver, Colorado 80203
Phone (303) 866 - 2471
Fax (303) 866 - 2003

John W. Hickenlooper
Governor

D 2013-010

EXECUTIVE ORDER

Declaring a Disaster Emergency
Due to the Black Forest Fire in El Paso County

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant relevant portions of C.R.S. § 28-3-104 and relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.*, I, John W. Hickenlooper, Governor of the State of Colorado, hereby issue this Executive Order declaring a state of disaster emergency due to the Black Forest Fire in El Paso County, Colorado and making resources available to fight the fire and address the disaster emergency.

I. Background and Purpose

The Governor is responsible for meeting the dangers to the state and people presented by disasters. 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).

On June 11, 2013, shortly before 1400 hours, the Black Forest Fire was reported to local authorities near Shoup Road and Highway 83 in El Paso County. This wind-driven fire was quickly growing in size and intensity, prompting the mandatory evacuation of 500 homes. All available firefighting resources were committed to firefighting and structural protection.

At approximately 1411 hours the El Paso County Sheriff determined that the fire would exceed the ability of the county and other local resources to contain and extinguish it and requested the response of the Division of Fire Prevention and Control.

Based on size up information that the fire was increasing in intensity and rapidly spreading, the Governor's Authorized Representative (GAR) notified Federal Emergency Management Agency (FEMA) at 1439 hours that the Black Forest Fire could threaten such destruction as would constitute a major disaster and assistance under the Fire Management Assistance Grant (FMAG) Program may be requested.

At 1600 hours the El Paso County Sheriff requested transfer of the fire to the State of Colorado under the Emergency Fire Fund (EFF) provisions. At 1651 hours the Division of Fire Prevention and Control completed its assessment and determined that the Black Forest Fire met the criteria for EFF designation. The EFF request was approved by the Governor at 1720 hours on June 11, 2013.

At 1700 hours the Division of Fire Prevention and Control completed its assessment and determined that the Black Forest Fire met the criteria for making a request for federal assistance under the FMAG Program. The GAR submitted the request to FEMA at 1710 hours. FEMA notified the GAR at 2059 hours that the request was approved, effective 2050 hours.

II. Declaration and Directives

A. The Black Forest Fire constitutes a disaster emergency under C.R.S. § 24-33.5-704. My verbal order of June 11, 2013 at 1720 hours, 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. The State Emergency Operations Plan is hereby activated. All State departments and agencies shall take whatever actions may be required and requested by the Director of the Office of Emergency Management, including provision of appropriate staff and equipment as necessary.

C. Pursuant to C.R.S. § 24-33.5-706(4), the funds in the Disaster Emergency Fund are hereby found insufficient to pay for fire suppression efforts related to the Black Forest Fire. Therefore, it is ordered that $5,500,000 be transferred into the Disaster Emergency Fund from the General Fund appropriation in Fiscal Year 2012-13 to the Controlled Maintenance Trust Fund. It is further ordered that $8,000,000 from the Disaster Emergency Fund is encumbered to pay for the fire suppression, response, and recovery effort related to the Black Forest Fire since its inception.

   Included in the specified amount is $195,000 for recovery related to this disaster. These funds may be used to pay for disaster recovery resources as approved by the Director of the Office of Emergency Management to assist with state and local government costs incurred during and as a result of the current disaster emergency, including costs incurred by non-profit organizations on behalf of local government entities. The Director of the Colorado Office of Emergency Management is hereby authorized and directed to allocate the funding to the appropriate agencies and execute awards, purchase orders or other mechanisms to effect the allocation of the funds. These funds shall remain available for this purpose for eighteen months from the date of this Executive Order, and any unexpended funds shall remain in the Disaster Emergency Fund.

D. My verbal orders activating the National Guard and authorizing the utilization of National Guard assets to fight the Black Forest Fire and enforce the laws of the State of Colorado as provided in C.R.S. § 28-3-104 are hereby memorialized by this Executive Order and shall have the full force and effect of law as if they were contained within this Executive Order.

E. The Colorado Department of Public Safety is authorized and directed to coordinate application to the federal government for funds available for reimbursement and to coordinate application for any other funds available related to this disaster emergency.

III. Duration

This Executive Order shall expire thirty days from June 11, 2013, unless extended further by Executive Order, except that the funds described in paragraph II(C) above shall remain available for the described purposes for eighteen months from the date of this Executive Order.

GIVEN under my hand and the Executive Seal of the State of Colorado this twelfth day of June, 2013.

John W. Hickenlooper
Governor