# STATE OF COLORADO

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John W. Hickenlooper
Governor

## D 2014-011

## EXECUTIVE ORDER

**Ordering Funds Transferred to the Resource Mobilization Fund Based on the Imminent Threat of the Impending Wildfire Season**

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to relevant portions of C.R.S. § 28-3-104 and 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 an imminent threat to the lives and property of the people of the State of Colorado due to the impending wildfire season and ordering transfer of funds into the State's Resource Mobilization Fund to address fires as rapidly as they arise.

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).

A. Upcoming Fire Season

Wildfires have long posed a risk to the health and safety of the people of Colorado. However, in recent years, the frequency of these fires has increased tremendously. During the 1960s, Colorado saw an average of 457 wildfires that burned 8,170 acres annually, but by the 1990s, these numbers more than doubled to an average of over 1,300 fires burning 22,000 acres annually. By the end of the 2000s, these numbers had again doubled making even a normal fire season very dangerous and costly for our community. Experts also predict that the annual number of fires will continue to increase as drought, beetle kill, and more severe weather conditions increase the likelihood and complexity of wildfires.

In 2012 alone Colorado saw 6,459 fires that burned over 250,000 acres, killing six individuals and resulting in $538 million in direct property losses. During 2012 and 2013, the

people of Colorado experienced the most destructive fires in the State's recorded history. Experts warn that such destructive fire seasons are likely to become the "new normal" for Colorado.

The Colorado Division of Fire Prevention and Control estimates that, in an average year, large wildfires in Colorado will burn more than 113,000 acres of land and result in more than $41 million in fire suppression expenses. Beyond the direct costs of fighting these fires and the loss of property, the indirect costs to the State are immeasurable but staggering. Indirect costs communities face include loss of tax and business revenue, stalled tourism, and costs associated with resulting health problems and loss of life. One study has indicated that the indirect cost of large wildfires to western states can be up to 30 times greater than the direct suppression costs.

There is general consensus among all wildfire experts that the single most effective strategy in containing wildfires is an immediate and rapid response, as this greatly increases the chances that responders will contain fires while they are small. Thus, the Colorado Division of Fire Prevention and Control has identified a primary goal of "keeping fires small." Collaboration between jurisdictions often provides the most effective, if not only way, to respond adequately to wildfires as soon as they are discovered.

To assist the State in accomplishing the goal of keeping fires small, the General Assembly in 2013 created a "Resource Mobilization Fund" (RMF). This fund in part provides a mechanism for governmental agencies to be reimbursed for costs accrued when they respond outside of their boundaries to aid neighboring jurisdictions. Mutual assistance from nearby districts is an important element of any immediate response and this fund helps ensure that agencies responding outside of their jurisdictions will be reimbursed for eligible expenses. A rapid and aggressive response by all necessary safety personnel is the best way to keep fires small, save the taxpayer money, and ultimately reduce the risk of loss of life and property.

The threat and danger fires pose even in a "normal" fire season is staggering, and it is likely the frequency and scope of wildfires will continue to increase due to changing weather patterns, more severe storms, drought, beetle kill, and increased development. Therefore, I find that the upcoming wildfire season poses an imminent threat to the life and property of the people of the State of Colorado. Accordingly, I direct the State Treasurer to transfer $2,000,000 from the Disaster Emergency Fund to the Resource Mobilization Fund.

B. Pipeline Complex Fire

By making this transfer, the Executive Director of the Department of Public Safety also will have the ability to provide reimbursement to State agencies and jurisdictions for prior incidents. § 24-33.5-705.4(6)(b). As explained below, local responders to the Pipeline Complex Fire from last year will be able to be reimbursed.

On July 9, 2013 lightning ignited the Crazy Fire and the Pipeline Fire in the area of the Fishers Peak Mesa, approximately five to ten miles southeast of Trinidad in Las Animas County. By July 10, 2013, the Crazy Fire was approximately 40 acres with 90% containment, and the Pipeline Fire was approximately 75 acres with 0% containment. These two fires were named the Pipeline Complex Fire. Local firefighting agencies were the first responders and used local resources to contain the fire. On July 10, 2013, in order to prevent the fire from becoming a disaster emergency and to reduce ultimate costs, the Division of Fire Prevention and Control requested and gained approval of Resource Mobilization as provided in C.R.S. § 24-33.5-705.4. Local firefighting agencies have sought, but not yet received, reimbursement from the State for their initial expenditures related to the Pipeline Complex Fire.

By this Executive Order, in addition to making funds available for resource mobilization for this upcoming fire season, the Executive Director of the Department of Public Safety is hereby authorized to reimburse local firefighting agencies for expenditures related to the Pipeline Complex Fire from the Resource Mobilization Fund.

II. Declaration and Directives

A. Given Colorado's recent history of devastating fires and the nature of the upcoming wildfire season, I determine that a disaster emergency is imminent pursuant to C.R.S. § 24-33.5-706(4.5)(a). I direct the State Treasurer to transfer $2,000,000 from the Disaster Emergency Fund established by C.R.S. § 24-33.5-706(2)(a) to the Resource Mobilization Fund established by C.R.S. § 24-33.5-705.4(6).

B. The Emergency Management Director is hereby authorized to use monies from the Resource Mobilization Fund to provide reimbursement to State agencies for the costs they expended during the Pipeline Complex Fire in accordance with C.R.S. § 24-35-705.4(6)(b).

GIVEN under my hand and the Executive Seal of the State of Colorado this sixth day of June, 2014.

John W. Hickenlooper
Governor