



D 2020 197

EXECUTIVE ORDER

Declaring a Disaster Emergency Due to the Lewstone Fire in Larimer County

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 declaring a state of disaster emergency due to the Lewstone Fire in Larimer County, enabling State agencies to coordinate, and making resources available for fire suppression, response, consequence management, and recovery efforts.

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.” C.R.S § 24-33.5-703(3).

The Lewstone Fire started on private land on August 21, 2020, in Larimer County. On August 22, 2020, the fire spread was mapped at fifty acres and the fire was threatening approximately 200 structures and the Poudre River watershed. Simultaneously, the Cameron Peak Fire was burning in Larimer County, which greatly reduced local response capacity. At approximately 6:35 PM on August 22, 2020, the Division of Fire Prevention and Control determined that the Lewstone Fire had exceeded county capacity and was eligible for State responsibility under the Emergency Fire Fund. *See* C.R.S § 24-33.5-1220.

At approximately 8:01 PM on August 22, 2020, I verbally declared a disaster emergency for the Lewstone Fire in Larimer County and activated the State of Colorado Emergency Operations Plan. As of August 25, 2020, the fire had burned 165 acres and was 100% contained.

II. Declarations and Directives

- A. The Lewstone Fire and associated impacts constitute a disaster emergency under C.R.S § 24-33.5-701, *et seq.* My verbal order of August 22, 2020, 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 or Acting Director of the Office of Emergency Management pursuant to the Emergency Support Function 5 Annex of the State Emergency Operations Plan, including provision of appropriate staff and equipment as necessary.
- C. 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 Lewstone Fire. Pursuant to C.R.S. § 24-33.5-706(4)(b), funds in the Disaster Emergency Fund are hereby found insufficient to pay for fire suppression, response, consequence management, mitigation, and recovery efforts related to the Lewstone Fire. This Executive Order transfers six hundred and ninety thousand dollars (\$690,000.00) into the Disaster Emergency Fund from the Controlled Maintenance Trust Fund. I further encumber six hundred and ninety thousand dollars (\$690,000.00) from the Disaster Emergency Fund, established in C.R.S. § 24-33.5-706(2)(a), for costs associated with the State's fire suppression, response, consequence management, and recovery efforts related to the Lewstone Fire since August 22, 2020. The funds described in this Section II.C. shall remain available for this purpose until thirty-six (36) months from the date of this Executive Order, and any unexpended funds shall remain in the Disaster Emergency Fund.
- D. 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 any appropriate government agencies and non-profit organizations and execute awards, purchase orders, or other mechanisms to allocate the funds described in Section II.C., above.
- E. The Division of Fire Prevention and Control is authorized to coordinate applications for any funds available related to this disaster emergency through its fire billing practices. Specifically, the Colorado Division of Fire Prevention and Control is directed to seek reimbursement and make payments as needed to agencies providing assistance on this incident.

III. Duration

This Executive Order shall expire thirty (30) days from August 22, 2020, unless extended further by Executive Order, except that the funds described in Section II.C. above shall remain available for the described purposes and described time period stated in Section II.C.



GIVEN under my hand and the Executive Seal of the State of Colorado, this eighteenth day of September, 2020.

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

Jared Polis
Governor