STATE OF COLORADO

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John W. Hickenlooper
Governor

D 2013-013

EXECUTIVE ORDER

Declaring a Disaster Emergency Due to the East Peak Fire in Huerfano and Las Animas Counties

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, relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.*, and Colorado Constitution article IV, Section 13, I, John W. Hickenlooper, Governor of the State of Colorado, hereby issue this Executive Order declaring a state of disaster emergency due to the East Peak Fire in Huerfano and Las Animas Counties, 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 19, 2013, shortly before 2000 hours, the East Peak Fire was reported to state authorities near the Boy Scout Ranch in the Spanish Peaks area of Huerfano County. This wind-driven fire was quickly growing in size and intensity, prompting the mandatory evacuation of the Boy Scout Ranch and area homes. All available firefighting resources were committed to firefighting and structural protection.

At approximately 2100 hours the Huerfano 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. The Huerfano County Sheriff requested transfer of the fire to the State of Colorado under the Emergency Fire Fund (EFF) provisions. At 2145 hours the Division of Fire Prevention and Control completed its assessment and determined that the East Peak Fire met the criteria for EFF designation. The EFF request was approved by the Lieutenant Governor at 2202 hours on June 19, 2013.

On June 20, 2013 at approximately 0915 hours, the Huerfano County Sheriff requested National Guard Helicopters for suppression assistance. The Lieutenant Governor verbally approved this request and the use of two National Guard Helicopters at approximately 0925 hours.

At approximately 1200 hours, the East Peak Fire extended into Las Animas County. At 1247 hours, the Division of Fire Prevention and Control requested that Las Animas County be added to the EFF designation. The Governor verbally approved this request at approximately 1319 hours.

On June 20, 2013 by approximately 1300 hours, the fire continued to significantly increase in size to over 2,000 acres with some structures at the Boy Scout Ranch destroyed and the evacuation zone increased to east from the Town of La Veta to Interstate 25 and from the City of Walsenburg south to the Huerfano County line. 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 approximately 1330 hours that the East Peak 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 approximately 1400 hours the Division of Fire Prevention and Control completed its assessment and determined that the East Peak Fire met the criteria for making a request for federal assistance under the FMAG Program and the GAR submitted the request to FEMA. FEMA notified the GAR on July 21, 2013, at 1259 hours that the request was approved.

At approximately 1540 hours, on July 20, 2013, the Spanish Peaks Regional Medical Center contacted the Governor's Office and requested approval to move the pharmacy to an alternate location if the Medical Center evacuated. The Governor verbally approved this request at 1546 hours.

II. Declaration and Directives

A. The East Peak Fire constitutes a disaster emergency under C.R.S. § 24-33.5-704(4). The Lieutenant Governor's verbal order of June 19, 2013, at 2202 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), it is ordered that $3,000,000 from the Disaster Emergency Fund is encumbered to pay for the fire suppression, response, and recovery effort related to the East Peak 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 Office of Emergency Management is hereby authorized and directed to allocate the funding to the appropriate government 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. The Lieutenant Governor's verbal orders activating the National Guard and authorizing the utilization of National Guard assets to fight the East Peak 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.

F. My verbal order approving the movement of the Spanish Peaks Regional Medical Center, including pharmaceuticals, to an alternate facility is 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. The provisions of Title 12, Article 42.5, Part 1, and the corresponding Board of Pharmacy Rules and regulations pertaining to the authorized persons, outlets and orders for the compounding, dispensing and delivery of any drug are hereby suspended for the purpose of rapidly distributing medications to actual or potential victims of the current fire emergency and evacuated area in Huerfano and Las Animas Counties. A hospital outlet is authorized to transfer its prescription drug inventory to a distribution site outside the hospital as required by the Executive Director or Chief Medical Officer of the Colorado Department of Public Health and Environment (CDPHE) or the director of a local health department.

G. I am suspending state requirements regarding licensed health facility bed capacities and configuration for facilities accepting patients from evacuated facilities. Such facilities shall notify the CDPHE of bed number changes at their earliest convenience within 72

hours. I am also suspending Colorado EMS provider certification for personnel directly in support of wildfire suppression operations in the State of Colorado who hold current EMS provider certification from any state or territory in the United States until this executive order expires, unless extended as provided in Section III.

III. Duration

This Executive Order shall expire thirty days from June 19, 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 twenty-first day of June, 2013.

John W. Hickenlooper
Governor