

STATE OF COLORADO

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John W. Hickenlooper
Governor

D 2013-017

EXECUTIVE ORDER

Declaring a Disaster Emergency Due to the West Fork Fire Complex in Mineral, Rio Grande, and Hinsdale 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 and relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.*, I, Joseph A. Garcia, Lieutenant Governor of the State of Colorado, hereby issue this Executive Order declaring a state of disaster emergency due to the West Fork Fire Complex in Mineral, Rio Grande, and Hinsdale 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 5, 2013, lightning started the West Fork Fire on the San Juan National Forest in Mineral County. By June 14, 2013, the West Fork Fire grew to approximately 30 acres and the Windy Pass Fire also ignited and grew to approximately 3 acres across Highway 160 from the West Fork Fire near Windy Pass. By June 16, 2013, the West Fork Fire grew to approximately 1,747 acres and the Windy Pass Fire grew to 108 acres. The San Juan National Forest combined the fires to form the West Fork Fire Complex and ordered a National Incident Management Organization Team to manage the fire.

On June 20, 2013, extreme fire weather conditions caused the West Fork Fire Complex to grow to over 29,000 acres and cross over the Continental Divide into the Rio Grande National Forest

and Rio Grande County. This resulted in a mandatory evacuation east of the Continental Divide to the town limits of South Fork, Colorado and the voluntary evacuation of the town of South Park. Because of continuing fire growth, the Town of South Park received a mandatory evacuation order at 0600 hours on June 21, 2013. All available firefighting resources were committed to firefighting and structural protection.

On June 20, 2013, at approximately 2000 hours, the Mineral and Rio Grande Counties Sheriffs determined that the fire had extended from the San Juan and Rio Grande National Forests and would exceed the ability of the counties and other local resources to contain and extinguish it and requested the response of the Division of Fire Prevention and Control. The Mineral and Rio Grande Counties Sheriffs requested transfer of the fire to the State of Colorado under the Emergency Fire Fund (EFF) provisions.

At approximately 2345 hours, the Division of Fire Prevention and Control completed its assessment and determined that the West Fork Fire Complex met the criteria for EFF designation. However, EFF funds were exhausted from previous fires. Therefore, a disaster emergency was requested and approved by the Governor at 0004 hours on June 21, 2013, effective at 0100 hours on June 21, 2013, as requested by the Division of Fire Prevention and Control.

On June 19, 2013, lightning caused the Papoose Fire to ignite on the Rio Grande Forest northwest of the West Fork Fire in Hinsdale County. On June 20, 2013, the United States Forest Service decided to add the Papoose Fire to the West Fork Fire Complex. On June 21, 2013, extreme fire weather conditions caused the Papoose Fire to grow to over 4,000 acres.

On the afternoon of June 21, 2013, the Hinsdale County Sheriff determined that the Papoose Fire had extended from the Rio Grande National Forest and 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 Hinsdale County Sheriff requested transfer of the Papoose Fire to the State of Colorado under the Emergency Fire Fund (EFF) provisions.

At approximately 1630 hours, the Division of Fire Prevention and Control completed its assessment and determined that the Papoose Fire met the criteria for EFF designation. However, EFF funds were exhausted in previous fires. Therefore, a disaster emergency was requested and approved by the Governor at 1701 hours, effective at 1400 hours on June 21, 2013, as requested by the Division of Fire Prevention and Control.

Based on size up information that the West Fork Fire Complex was increasing in intensity and rapidly spreading and that the Mayor of the Town of South Fork issued a mandatory evacuation order effective at 0600 hours on June 22, 2013, the Alternate Governor's Authorized Representative (GAR) notified the Federal Emergency Management Agency (FEMA) at approximately 2147 hours on June 20, 2013, that the West Fork Fire Complex could threaten such destruction as would constitute a major disaster and assistance under the Fire Management Assistance Grant (FMAG) Program may be requested.

On June 21, 2013, the Division of Fire Prevention and Control completed its assessment and determined that the West Fork Fire Complex, including the Papoose Fire, met the criteria for making a request for federal assistance under the FMAG Program. The Alternate GAR submitted the request to FEMA the afternoon of June 21, 2013. FEMA notified the GAR at 1636 hours that the request for the entire West Fork Fire Complex including the Papoose Fire was approved.

In non-emergency circumstances, C.R.S. § 25-3.5-203(1)(b) requires a person providing emergency medical services in Colorado must possess a certification issued by the Colorado Department of Public Health and Environment.

During the continuance of any state of disaster, the Governor is authorized by C.R.S. § 24-33.5-704(7)(a) to suspend the provisions of any regulatory statute or the regulations of any state agency if strict compliance with the provisions of the statute or regulation would in any way "prevent, hinder, or delay necessary action in coping with the emergency."

II. Declaration and Directives

- A. The West Fork Fire Complex constitutes a disaster emergency under C.R.S. § 24-33.5-703(3). My verbal order of June 21, 2013, at 0004 hours, declaring a disaster emergency effective at 0100 hours on June 21, 2013, 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. My verbal order of June 21, 2013, at 1636 hours, declaring a disaster emergency for the Papoose Fire effective on June 21, 2013, at 1400 hours, and concurring with the USFS action to add the Papoose to the West Fork Fire Complex 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 found to be insufficient to pay for fire suppression efforts related to the West Fork Fire Complex. Therefore, it is ordered that \$3,000,000 be immediately 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 this \$3,000,000 is encumbered to pay for the fire suppression, response, and recovery effort related to the West Fork Fire Complex since its inception.
- D. It is further ordered that, no earlier than July 1, 2013, \$9,500,000 be transferred into the Disaster Emergency Fund from the General Fund appropriation in Fiscal Year 2013-2014 to the Controlled Maintenance Trust Fund. This \$9,500,000 from the Disaster Emergency Fund shall be encumbered to pay for the fire suppression, response, and recovery effort related to the West Fork Fire Complex occurring on or after July 1, 2013.
- E. 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.
- F. The National Guard is activated and authorized to fight the West Fork Fire Complex and enforce the laws of the State of Colorado as provided in C.R.S. 28-3-104.
- G. 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.

- H. Due to the extent of this and other wildfires, and as provided in C.R.S. § 24-33.5-704(7)(a), the requirement for Colorado emergency medical services provider certification for personnel directly in support of wildfire suppression operations in the State of Colorado is suspended for providers that hold current emergency medical services provider licensure or certification in good standing from the National Registry of Emergency Medical Technicians or any state or territory in the United States until this executive order expires, unless extended as provided in Section III.
- I. I authorize a 90-day extension of any accrued leave expiring on June 30, 2013, for any state employee working in any manner with any of the wildfire disaster emergencies since June 1, 2013.

III. Duration

This Executive Order shall expire thirty days from June 21, 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.

IV. Lieutenant Governor

I am executing this Executive Order pursuant to the Colorado Constitution, Article IV, Section 13(5) as Governor John W. Hickenlooper is currently traveling outside of the State of Colorado.



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

A handwritten signature in black ink, appearing to read "J. Garcia".

Joseph A. Garcia
Lieutenant Governor