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EXECUTIVE ORDER

Declaring a Disaster Emergency Due to the Grizzly Creek Fire in Garfield and Eagle Counties and Related Damage to Interstate 70

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 the Grizzly Creek Fire in Garfield and Eagle Counties and related damage to Interstate 70, 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 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).

The Grizzly Creek Fire started August 10, 2020, in Garfield County, and later spread to Eagle County. On August 12, 2020, fire behavior became very active due to weather and drought conditions with the fire burning in and near several large canyons which caused the shutdown of Interstate 70 (I-70) from Gypsum to Glenwood Springs. The fire spread was mapped at 4,624 acres, with zero percent containment, on federal, State, and private land. Values at risk include structures, power infrastructure, and the Colorado River. The fire burned along and across I-70, damaging the highway, bridges, fiber optic cable, signage, and other Colorado Department of Transportation (CDOT) assets. Throughout the incident, rock debris fell upon I-70 and the CDOT easement area, resulting in damage to the highway, traffic control devices, and traffic safety devices along I-70, and depositing debris along and in culverts.

During the fourteen-day closure of I-70, maintenance crews performed life safety missions in keeping the public out of the incident area while protecting emergency responders and continuing traditional operations. Repair of the damaged portion of I-70 is necessary to reestablish the full capacity of the highway. The initial cost estimate for response, repair, and construction of infrastructure damaged on I-70 is approximately ten million dollars (\$10,000,000).

At approximately 12:00 PM on August 12, 2020, the Division of Fire Prevention and Control determined that the Grizzly Creek Fire had exceeded county capacity and was eligible for state responsibility per the Emergency Fire Fund criteria.

At approximately 3:00 PM on August 12, 2020, I verbally declared a disaster emergency for the Grizzly Creek Fire in Garfield and Eagle Counties and activated the State of Colorado Emergency Operations Plan.

On August 12, 2020, Garfield County issued county resolution 2020-37 declaring a local disaster emergency due to the Grizzly Creek Fire and the Pine Gulch Fire.

On August 13, 2020, the Eagle County Administrator issued a Disaster/Emergency Declaration for the Grizzly Creek Fire in Eagle County.

At approximately 4:00 PM on August 19, 2020, the Red Canyon Fire started roughly two miles south of the Grizzly Creek Fire and within the Grizzly Creek Fire's initial attack area. The Red Canyon Fire threatened critical power infrastructure and prompted evacuations of twenty homes in Garfield County. The Red Canyon Fire burned seventy acres and was contained on August 20, 2020, due to aggressive initial attack efforts.

Because of the severity of the fire and additional private and state properties at risk, the Division of Fire Prevention and Control requested a federal Fire Management Assistance Grant from the Federal Emergency Management Agency at approximately 9:57 AM on August 19, 2020. The request for a Fire Management Assistance Grant was approved by the Federal Emergency Management Agency's Regional Administrator at approximately 10:50 AM on August 19, 2020.

As of September 7, 2020, the Grizzly Creek Fire burned 32,464 acres and was 83% contained, and there were over 300 home evacuations.

II. Declarations and Directives

- A. The Grizzly Creek Fire and associated impacts constitute a disaster emergency under C.R.S § 24-33.5-701, *et seq.* My verbal order of August 12, 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 Grizzly Creek Fire and Red Canyon Fire. Further, 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, and recovery efforts related to the Grizzly Creek Fire and Red Canyon Fire. I therefore transfer three million one hundred fifty thousand dollars (\$3,150,000) into the Disaster Emergency Fund from the Controlled Maintenance Trust Fund. I further encumber three million one hundred fifty thousand dollars (\$3,150,000) 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 Grizzly Creek Fire and Red Canyon Fire since August 12, 2020.

- 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 the appropriate government agencies and non-profit organizations and execute awards, purchase orders, or other mechanisms to effect the allocation of the funds. The funds described in section II(C) above 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.
- E. The Division of Fire Prevention and Control, via its fire billing practices, is authorized to coordinate applications for any funds available related to this disaster emergency. 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.
- F. The damage to I-70 from the Grizzly Creek Fire constitutes a disaster emergency under C.R.S. § 24-33.5-701, *et seq.*
- G. Repairing the damaged portions of I-70 will fully reopen I-70 for local residents and commercial traffic. The disaster declaration in this Executive Order shall permit CDOT to pursue federal transportation emergency relief funds, as is provided under sections 120 and 125 of Title 23 of the United States Code. Further, the U.S. Federal Highway Administration (FHWA) Division Administrator is respectfully requested to concur in the declaration of this emergency for the purposes of securing FHWA Emergency Relief Program Funds.
- H. This Executive Order does not authorize or appropriate any funds in the Disaster Emergency Fund for I-70 repair.

III. Duration

This Executive Order shall expire thirty (30) days from August 12, 2020, unless extended further by Executive Order, except that the funds described in Section II(C) above shall remain available for the described purposes for thirty-six (36) months from the date of this Executive Order



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

A handwritten signature in blue ink that reads "Jared Polis". The signature is written in a cursive, flowing style.

Jared Polis
Governor