



D 2020 204

EXECUTIVE ORDER

Declaring a Disaster Emergency Due to the East Fork Fire in Las Animas 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 the East Fork Fire in Las Animas 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 East Fork Fire started on August 22, 2020, in Las Animas County roughly 1.6 miles north of the Colorado and New Mexico border at the head of the watershed for the City of Raton, New Mexico. It grew to seventy acres by the end of August 22, with potential for spread and future growth. State and interagency resources provided assistance to Las Animas County from August 22 to August 27. At approximately 6:00 PM on August 27, 2020, the Division of Fire Prevention and Control determined that the East Fork Fire would exceed county capacity based on forecasted conditions and was eligible for State responsibility per the Emergency Fire Fund criteria. On August 28, 2020, the fire grew to over 1500 acres and evacuations were ordered for campgrounds, local roads, and residences.

At approximately 12:17 PM on August 28, 2020, I verbally declared a disaster emergency for the East Fork Fire in Las Animas County and activated the State of Colorado Emergency Operations Plan.

As of September 23, 2020, the East Fork Fire burned 1682 acres and was 95% contained.

II. Declarations and Directives

- A. The East Fork Fire and associated impacts constitute a disaster emergency under C.R.S. § 24-33.5-701, *et seq.* My verbal order of August 28, 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 East Fork Fire. I encumber one million three hundred and sixty thousand dollars (\$1,360,000) from the Disaster Emergency Fund, established in C.R.S. § 24-33.5-706(2)(a), for costs associated with suppression resources since August 22, 2020, and the State's fire suppression, response, consequence management, and recovery efforts related to the East Fork Fire since August 28, 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 related to the East Fork Fire.

III. Duration

This Executive Order shall expire thirty (30) days from August 28, 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 twenty-sixth 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