

D 022 07

EXECUTIVE ORDER

Extending Disaster Emergency Funding for Certain Wildfires that Occurred in 2005 and 2006

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to relevant portions of the Colorado Disaster Emergency Act of 1992, C.R.S. § 24-32-2100 *et seq.*, I, Bill Ritter, Jr., Governor of the State of Colorado, hereby issue this Executive Order extending the disaster emergency funding provided for in Executive Orders D 006 05, D 001 06, D 014 06, D 017 06, and D 020 06, each of which were issued in response to wildfires in Colorado.

1. Background and Need

In 2005 and 2006, Colorado experienced numerous wildfires which necessitated disaster declarations and the encumbrance of funds from the State Disaster Emergency Fund in order to pay for fire suppression efforts. The Executive Orders that encumbered these funds authorized the expenditure of the funds within a finite period of time, typically between three and nine months.

Most major wildfires occur on both state and federal lands, necessitating multiple jurisdictions to respond to mobilize and expend resources in the fire suppression effort. As a consequence, at the conclusion of the fire, the various response agencies need to account for the resources expended and reconcile their relative fiscal obligations. Typically this includes the federal government and other response agencies billing the State of Colorado for its share of the expenditures incurred.

This reconciliation and billing process can take substantial time, particularly when there are discrepancies identified in the auditing of the bills or additional supporting documentation is required. This time lag is often exacerbated by delays on the part of the federal government in billing the State for its share of the fire suppression effort. As a result of these delays, there are occasions when payment from the State Disaster Emergency Fund needs to be made after the initial authorization has expired. When this occurs, the original authorization must be extended.

As set forth below, there are currently five fires from 2005 and 2006 for which expenditure authorization from the funds originally encumbered needs to be extended.

Mason Fire: On July 7, 2005, lightning sparked a fire in southern Colorado. Due to dry conditions and heavy winds, this fire quickly escalated into a major wildfire in Pueblo and Custer Counties. The Mason Fire has burned more than 12,500 acres, threatened 750 structures, and over 5,000 people were evacuated from their homes. In response to this fire, on July 14, 2005, Governor Owens issued Executive Order D 006 05, encumbering \$2 million from the State Disaster Emergency Fund to finance fire suppression activities. The total cost of the fire suppression effort was \$909,029.41, which has been fully paid by the Colorado State Forest Service. However, of the amount paid by the CSFS, there remains \$318,449.68 that must be transferred from State Disaster Emergency Fund to the CSFS, and the availability of a portion of the encumbered funds needs to be extended in order to make this transfer. The remainder of the funds encumbered for this fire, can be immediately deobligated.

Mauricio Canyon Fire: On January 7, 2006, a fire ignited in southern Colorado. Due to dry conditions and heavy winds, this fire quickly escalated into a major wildfire in Las Animas and Huerfano Counties. The Mauricio Canyon Fire burned approximately 6,000 acres, destroyed at least five homes, and forced hundreds of people to be evacuated from their homes. In response to this fire, on January 9, 2006, Governor Owens issued Executive Order D 001 06, encumbering \$600,000 from the State Disaster Emergency Fund to finance fire suppression activities. To date, \$470,719.86 has been paid from the State Disaster Emergency Fund. However, there remain additional unpaid obligations and further reconciliation to be performed, and the availability of the encumbered funds needs to be extended in order to pay for these outstanding obligations and complete the reconciliation process.

Tyndall Fire: On June 14, 2006, a fire ignited in Custer County. Due to dry conditions and heavy winds, this fire quickly escalated into a major wildfire. The Tyndall Fire burned over 500 acres, threatened several homes in the immediate vicinity, and forced over one hundred people to evacuate their homes. In response to this fire, on January 9, 2006, Governor Owens issued Executive Order D 017 06, encumbering \$400,000 from the State Disaster Emergency Fund to finance fire suppression activities. However, because of the availability of other resource, the need did not arise to expend these funds, and these funds can now be deobligated for this purpose.

Mato Vega Fire: On June 18, 2006, lightning caused a fire to ignite in southern Colorado. Due to dry conditions and heavy winds, this fire quickly escalated into a major wildfire in Costilla and Huerfano Counties. The Mato Vega Fire burned more than 8,900 acres, mandatory and voluntary evacuations were ordered in several towns and subdivisions, and Highway 160 was temporarily closed for safety reasons. In response to this fire, on June 21, 2006, Governor Owens issued Executive Order D 014 06, encumbering \$3 million from the State Disaster Emergency Fund to finance fire suppression activities; on July 19, 2006, this sum was increased to \$3.5 million by Executive Order D 020 06. To date, \$845,552.80 has been paid from the State Disaster Emergency Fund. However, there remains \$2,532,327.07 in additional unpaid obligations, and the availability of a portion of the encumbered funds needs to be extended in order to pay for these outstanding obligations.

Wright Fire: On June 19, 2006, lightning caused a fire to ignite near Wright Reservoir in Teller County. Wright Reservoir is surrounded by steep, rugged terrain with limited vehicle access. The Wright Fire burned approximately 200 acres and threatened numerous homes. In response to this and other fires, on July 13, 2006, Governor Owens issued Executive Order D 017 06, encumbering \$400,000 from the State Disaster Emergency Fund to finance fire suppression activities related to the Wright Fire. To date, \$51,040.00 has been paid from the State Disaster Emergency Fund. However, there remain additional unpaid obligations, and the availability of the encumbered funds needs to be extended in order to pay for these outstanding obligations.

Jolly Mesa Fire: On June 21, 2006, a fire ignited in Garfield County, between the towns of New Castle and Silt. Due to continued heavy winds, high temperatures, and very dry fuel conditions in the area, this fire quickly escalated with high rates of speed and spotting ahead of the main wildfire. The Jolly Mesa Fire burned approximately 600 acres and threatened numerous homes and subdivisions in the area as well as several gas exploration sites and above ground distribution lines. In response to this and other fires, on July 13, 2006, Governor Owens issued Executive Order D 017 06, encumbering \$700,000 from the State Disaster Emergency Fund to finance fire suppression activities related to the Jolly Mesa Fire. To date, \$61,475.44 has been paid from the State Disaster Emergency Fund. However, there remain additional unpaid obligations, and the availability of the encumbered funds needs to be extended in order to pay for these outstanding obligations.

2. Mission and Scope

- A. I hereby reaffirm and extend the earlier declarations, as set forth in Executive Orders D 006 05, D 001 06, D 014 06, D 017 06, and D 020 06, that the Mason, Mauricio Canyon, Mato Vega, Wright, and Jolly Mesa Fires each constituted a disaster for purposes of C.R.S. §24-32-2103.
- B. I extend Executive Order D 006 05 for the continued encumbrance of a total of \$910,000 in the Disaster Emergency Fund to pay for the fire suppression effort related to the Mason Fire; the balance of the fund for the Mason Fire, which is \$1,090,000, is hereby deobligated. The encumbered funds shall remain available for this purpose until June 30, 2008.
- C. I extend Executive Order D 001 06 for the encumbrance of a total \$600,000 from the Disaster Emergency Fund to pay for the fire suppression effort related to the Mauricio Canyon Fire. These funds shall remain available for this purpose until June 30, 2008.
- D. In Executive Order D 017 06, \$400,000 in the Disaster Emergency Fund was encumbered to pay for the fire suppression effort related to the Tyndall Fire; however, because of the availability of other resource, the need did not arise to expend these funds. Therefore, the funds encumbered to fight the Tyndall Fire, which total \$400,000, are hereby deobligated and returned to the Disaster Emergency Fund.

- E. I extend Executive Orders D 014 06 and D 020 06 for the continued encumbrance of a total of \$3,378,000 from the Disaster Emergency Fund to pay for the fire suppression effort related to the Mato Vega Fire; the balance of the fund for the Mato Vega Fire, which is \$122,000, is hereby deobligated. The encumbered funds shall remain available for this purpose until June 30, 2008.
- F. I extend Executive Order D 017 06 for the encumbrance of a total \$400,000 from the Disaster Emergency Fund to pay for the fire suppression effort related to the Wright Fire. These funds shall remain available for this purpose until June 30, 2008.
- G. I extend Executive Order D 017 06 for the encumbrance of a total \$700,000 from the Disaster Emergency Fund to pay for the fire suppression effort related to the Jolly Mesa Fire. These funds shall remain available for this purpose until June 30, 2008.
- H. The Director of the Colorado Division of Emergency Management and the Colorado State Forest Service continue to be 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 these disaster emergencies.

3. Duration

This Executive Order shall expire thirty days from its date of signature unless extended further by Executive Order, except that the funds described above shall remain available for the described purposes through June 30, 2008.

Given under my hand and
the Executive Seal of the
State of Colorado this 6th
day of September, 2007.

Bill Ritter, Jr.
Governor