

## D 012 08

### EXECUTIVE ORDER

#### Declaring a Disaster Emergency Due to Wildfires in Las Animas County

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 declaring a state of disaster emergency due to wildfires in Las Animas County, Colorado.

#### I. Background and Purpose

On June 10, 2008, a wildfire, caused by lightning, broke out in the Red Rock Canyon area of Fort Carson's Piñon Canyon Maneuver Site. Because the fire began on Department of Defense lands, the National Guard provided fire response efforts. By June 13, the fire had spread to nearby private, state, and other federal lands. The Division of Emergency Management, Colorado State Forest Service, and National Guard have cooperative agreements to foster the exchange of resources and funds in such situations. When the fire spread, a Unified Command representing federal and state jurisdictions was formed, and the Colorado State Forest Service requested the use of National Guard resources on state lands until such time as private resources had been activated. To ensure continuity of fire suppression efforts and to avoid imminent risk to life and property, I authorized the continuation of National Guard resources for this limited period of time. Private resources were engaged, and National Guard resources deactivated, by the afternoon of June 14, 2008. The National Guard resources used included four UH60 Blackhawks, one CH47 Chinook, and the requisite air and support crews.

As Governor, I am responsible for meeting the dangers to the state and people presented by disasters. The Colorado Disaster Emergency Act of 1992, 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. § 24-32-2103(1.5). The spread of the Piñon Canyon fire from federal to nearby private and state lands posed an imminent danger to life and property and, therefore, constituted a disaster for the purposes of the Act. In response to this disaster, on June 13, 2008, I declared a disaster emergency.

## II. Declaration and Directives

- A. I hereby declare that wildfires in Las Animas County constitute a disaster emergency for purposes of C.R.S. § 24-32-2103.
- B. Pursuant to C.R.S. § 24-32-2104(6) and § 28-3-104, as commander-in-chief of military forces, I hereby employ and call to active duty certain elements of the Colorado National Guard as may be necessary to respond to this disaster, and delegate command authority to the Adjutant General of the Colorado Department of Military and Veterans Affairs. I order the Adjutant General of the Colorado Department of Military and Veterans Affairs and the Director of the Colorado Division of Emergency Management, in consultation with the Colorado State Forest Service, to coordinate activities between their respective department and division as necessary to respond to this disaster emergency and execute the directives contained in this Executive Order.
- C. Pursuant to C.R.S. § 21-32-2103 and § 23-31-303, the Colorado State Forest Service is hereby directed to use resources available to them to reimburse the National Guard for costs incurred in fighting wildfires on state and private land between Friday, June 13, 2008 and the time of release of the last National Guard resources, around the afternoon of Saturday, June 14, 2008. The Colorado State Forest Service may enter into interagency agreements with the Department of Emergency Management as necessary to facilitate efficient payment.
- D. Pursuant to C.R.S. § 23-31-309(4)(b), I hereby direct the Colorado State Forest Service to utilize funds from the Wildfire Preparedness Fund for expenses, if any, associated with activating the National Guard to respond to wildfires on state and public lands on Friday June 13, 2008.
- E. All verbal orders that I issued regarding this disaster emergency, including my disaster emergency declaration on June 13, 2008, 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.

III. Duration

This Executive Order shall expire twenty-four hours from its date of signature unless extended by future Executive Order.

GIVEN under my hand and the  
Executive Seal of the State of  
Colorado this nineteenth day of  
June, 2008.

Bill Ritter, Jr.  
Governor