STATE OF COLORADO

OFFICE OF THE GOVERNOR

136 State Capitol Denver, Colorado 80203 Phone (303) 866-2471 Fax (303) 866-2003



D 2011-012

John W. Hickenlooper Governor

EXECUTIVE ORDER

Amending the Declaration of Disaster Emergency Due to
Fourmile Fire in Boulder County and Extending Authorization of Debris Removal
and Availability of Funds

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., and specifically C.R.S. § 24-32-2505, I, John W. Hickenlooper, Governor of the State of Colorado, hereby issue this Executive Order extending an earlier declaration of a state of disaster emergency due to the wildfire in Boulder County, Colorado and extending availability of funds and authorization to enter upon land to remove debris.

I. <u>Background and Purpose</u>

On Monday, September 6, 2010, a wildfire ("Fourmile Fire") broke out in Fourmile Canyon, approximately 12 miles northwest of Boulder, Colorado. The Fourmile Fire poses an imminent danger to human life and property and, therefore, constitutes a disaster. In response to this disaster, on September 7, 2010, Governor Ritter issued Executive Order D 2010-012 declaring a disaster emergency. Two days later, on September 9, 2010, Governor Ritter issued Executive Order D 2010-013, reaffirming his disaster declaration and making additional state resources available to support the State's response to the Fourmile Fire.

By the time the Fourmile Fire was extinguished on September 14, 2010, the fire had spread to more than 3,000 acres, forced the evacuation of more than 3,000 residents, and destroyed 169 homes. With the assistance of Boulder County Emergency Management, the residents have been diligently working to clear land of fire debris. However, the inability to identify, contact, or obtain the consent of some private landowners has hampered Boulder County's ability to remove some of the debris left by the fire. This remaining debris, some of which may contain hazardous materials, poses a threat to public health and safety if not removed and properly disposed of in the near-term.

Once a disaster declaration has been made, state law authorizes the Governor to order the removal or clearance of debris or wreckage from public or private lands through the use of "any of the state's instrumentalities" when such debris "may threaten public health or safety or public or private property." See C.R.S. § 24-32-2505(1)(a). In order to invoke

this authority, the local government must "first present[] an unconditional authorization for the removal of such debris or wreckage from public or private property and, in the case of removal of debris or wreckage from private property, first agree[] to indemnify the state government against any claim arising from such removal." See C.R.S. § 24-32-2505(2). On October 7, 2010, Boulder County provided the state with the required authorization and indemnification. Therefore, on December 8, 2010, Governor Ritter issued Executive Order D 2010-019, authorizing Boulder County, as an instrumentality of the state, to remove debris from the Fourmile Fire from public and private property. On March 8, 2011, I issued Executive Order D 2011-007, which once again provided 30 additional days of authorization to remove debris. Although that executive order expires today, the debris removal efforts are not complete. Indeed, such efforts are not expected to be complete until sometime in the spring. Thus, I am extending the debris authorization removal authority. By statute, however, in order to authorize debris removal I must also declare a disaster emergency, the duration of which is limited to thirty days from the date of the executive order making the declaration. Therefore, with the executive order, I will extend the disaster declaration and debris removal authorization by thirty days, but it expected that several further extensions will be necessary before the work is completed.

Paragraph II(B) of Executive Order D 2010-013 made \$200,000 available for response and recovery efforts. A portion of those funds are being used by Boulder County to fund a Boulder Fourmile Recovery Manager position. The County has determined that the position will be necessary and should continue through September 2012. The funds from Executive Order D 2010-2013, however, are only available through September 9, 2011. In order to permit the County to effectively manage the recovery, I am extending the availability of the funds made available by Executive Order D 2010-013 through September 20, 2012.

II. <u>Declaration and Directives</u>

In addition to the declarations and directives contained in Executive Orders D 2010-012, D 2010-013, 2010-019, Executive Order D 2011-002, Executive Order D 2011-006, and Executive Order D 2011-007, I declare and direct, as follows:

- A. I hereby declare that Fourmile Fire continues to constitutes a disaster emergency for purposes of C.R.S. § 24-32-2103.
- B. I continue to authorize Boulder County, as an instrumentality of the State, to remove and properly dispose of debris or wreckage from the Fourmile Fire from public or private property in Boulder County, Colorado. I acknowledge and find that on October 7, 2010, Boulder County presented to me an unconditional authorization for the removal of such debris or wreckage from public or private property and, in the case of removal of debris or wreckage from private property, has agreed to indemnify the state government against any claim arising from such removal.

C. The \$200,000 encumbered pursuant to paragraph II(B) of Executive Order D 2010-013 shall remain available through September 30, 2012 for the purposes of the original encumbrance. Specifically, these funds may be used to pay for resources as requested by Boulder County or appropriate state agencies and as approved by the Director of the Division of Emergency Management to assist with government costs incurred during the current disaster emergency by government entities, including costs incurred by non-profit organizations on behalf of government entities. The Director of the Colorado Division of Emergency Management is hereby authorized and directed to allocate the funding to the appropriate agencies. These funds shall remain available for this purpose through September 20, 2012, and any unexpended funds shall remain in the Disaster Emergency Fund.

III. Duration

Executive Order D 2010-012 remains in full force and effect as originally promulgated. The funds made available pursuant to paragraph II(B) of D 2010-013 shall remain available until September 30, 2012, and in all other respects Executive Order D 2010-013 shall remain in full force and effect as originally promulgated. This Executive Order shall expire thirty days from its date of signature unless extended further by Executive Order.

GIVEN under my hand and the Executive Seal of the State of Colorado this seventh day of April, 2011.

John W. Hickenlooper

Governor

STATE OF COLORADO

OFFICE OF THE GOVERNOR

136 State Capitol Denver, Colorado 80203 Phone (303) 866-2471 Fax (303) 866-2003



D 2011-11

John W. Hickenlooper Governor

EXECUTIVE ORDER

Amending the Declaration of a Disaster Emergency Due to the Crystal Fire in Larimer 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., John W. Hickenlooper, Governor of the State of Colorado, hereby issues this Executive Order reaffirming the earlier declaration of a state of disaster emergency due to the wildfire in Larimer County, Colorado and authorize the National Guard to provide assistance in responding to the fire.

I. Background and Purpose

On Friday, April 1, 2011, a wildfire ("Crystal Fire") broke out in Larimer County approximately 10 miles northwest of Masonville. As of the morning of April 7th, the fire has spread to approximately 3,200 acres, including federal and private lands. Approximately 15 homes have been destroyed in addition to a large number of vehicles and outbuildings. Because of the fire's size and proximity to numerous residences in Redstone Canyon, Stringtown Gulch, and the area south of Rist Canyon and East of Stover Prairie, an aggressive response is essential. Approximately twenty agencies, including the Colorado State Forest Service, the U.S. Forest Service, Larimer County and local emergency teams, have responded to the wildfire by deploying a variety of resources, including over 200 firefighters, 36 engines, two air tankers, and three helicopters. In response to this disaster, on April 3, 2011, I declared a disaster emergency. The personnel who are responding to this fire need the assistance of the Colorado National Guard, and this Executive Order directs the Colorado National Guard to provide such assistance.

II. <u>Declaration and Directives</u>

- A. The Crystal Fire hereby continues to 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-inchief 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. I order the Adjutant General of the Colorado Department of Military and Veterans Affairs and the Director of the Colorado Division of Emergency Management 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.

III. Duration

Executive Order D 2011-010 remains in full force and effect as originally promulgated. This Executive Order shall expire thirty days from its date of signature unless extended further by Executive Order.

GIVEN under my hand and the Executive Seal of the State of Colorado this seventh day of April, 2011.

John W. Hickenlooper

Governor