

STATE OF COLORADO

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John W. Hickenlooper
Governor

D 2014-019

EXECUTIVE ORDER

Amending the Declarations of Disaster Emergency Due to the Waldo Canyon Fire in El Paso County and Extending the 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, C.R.S. § 24-33.5-701, *et seq.*, and specifically C.R.S. § 24-33.5-704, I, John W. Hickenlooper, Governor of the State of Colorado, hereby issue this Executive Order amending executive orders declaring a disaster emergency due to the Waldo Canyon Fire in El Paso County and making additional resources available to those affected by the Waldo Canyon Fire.

I. Background and Purpose

The Governor is responsible for meeting the dangers to the state and people presented by disasters. 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 Waldo Canyon Fire killed two persons and destroyed 347 homes, and subsequent post-wildfire flooding caused further damage to homes and infrastructure. I and the Lieutenant Governor issued a series of executive orders to assist with fighting the fire and to provide necessary resources for the recovery efforts. Executive Order D 2012-020 provided \$4,000,000 for suppression of the Waldo Canyon Fire. Executive Order D 2012-024 authorized use of the National Guard to fight the Waldo Canyon Fire and enforce the laws of Colorado. Executive Order D 2012-031 provided a new total of \$6,175,000 for the fire suppression, response, and recovery efforts related to the Waldo Canyon Fire. Executive Order D 2012-048 provided an additional \$195,000 for disaster recovery resources and extended the time period to use the encumbered funds to May 2, 2014.

Due to the number and size of this and other fires receiving federal and/or state declarations, the Division of Fire Prevention and Control needs approximately thirty-six (36) months to process all contractor payments and close out any Fire Management Assistance Grants with the Federal Emergency Management Agency (FEMA).

In September 2013, Colorado experienced catastrophic flooding, receiving a Stafford Act disaster declaration with many federal disaster programs implemented. During 2014, Colorado received Housing and Urban Development (HUD) Community Development Block Grant – Disaster Relief (CDBG-DR) authorization and funding. The authorization and funding included any Stafford Act disaster declaration in Colorado during the three years prior to September 2013. Thus CDBG-DR funds are available to assist with the Waldo Canyon Fire recovery. The Waldo Canyon Fire also received FEMA Hazard Mitigation Grant Program (HMGP) funding, which may be also be used for flood mitigation projects. Due to receipt of the CDBG-DR funds and ability of HMGP funds to be used for flood mitigation, the Division of Homeland Security and Emergency Management (DHSEM) recommended that the state participate in the 25% non-federal share of the HMGP in the same manner as the Public Assistance (PA) program for the September 2013 Flood Stafford Act Declaration.

In consultation with the Colorado Recovery Office, I concur with DHSEM's recommendation. Accordingly, this Executive Order provides funding for half of the 25% non-federal share and extends the funds in this and previous Executive Orders for an additional sixty (60) months.

II. Declaration and Directives

In addition to the declarations and directives contained in Executive Orders D 2012-020, D 2012-024, D 2012-031, and D 2012-048, I declare and direct as follows:

- A. The last sentence of section II(C) of Executive Order D 2012-031, which superseded section II(C) of Executive Order D 2012-20, is amended to read: "These funds shall remain available for this purpose until December 31, 2019, and any unexpended funds shall remain in the Disaster Emergency Fund."
- B. The last sentence of Section II(F) of Executive Order D 2012-31, which was added pursuant to Executive Order D 2012-48, is amended to read: "These funds shall remain available for this purpose until December 31, 2019, and any unexpended funds shall remain in the Disaster Emergency Fund."
- C. Section III of Executive Order D 2012-031 is amended to read: "This Executive Order shall expire 30 days from July 9, 2012 unless extended further by

Executive Order, except that the funds described in paragraph II(C) above shall remain available for the described purposes until December 31, 2019, and any unexpended funds shall remain in the Disaster Emergency Fund.”

- D. The second sentence of section III of Executive Order D 2012-048 is amended to read: “This Executive Order shall remain in effect until amended or rescinded by Executive Order, except that the funds described in paragraph II(F) above shall remain available for the described purposes until December 31, 2019, and any unexpended funds shall remain in the Disaster Emergency Fund.”

Executive Orders D 2012-20 and D 2012-31 are hereby amended to add paragraph II(G) as follows:

- G. I order the encumbrance of an additional \$100,000 from the Disaster Emergency Fund to provide for half of the 25% non-federal share of the Hazard Mitigation Grant Program funds awarded for this disaster. The \$100,000 exists in the Disaster Emergency Fund from un-expended funds from this and previous disasters. These funds shall remain available for this purpose until December 31, 2019, and any unexpended funds shall remain in the Disaster Emergency Fund.

III. Duration

Executive Orders D 2012-020, D 2012-024, D 2012-031, and D 2012-048 remain in full force and effect as originally promulgated, except as amended by this Executive Order. This Executive Order shall remain in effect until amended or rescinded by further Executive Order.



GIVEN under my hand and the
Executive Seal of the State of
Colorado this twelfth day
day of December, 2014.

A handwritten signature in blue ink, appearing to read "John W. Hickenlooper", is written over the printed name.

John W. Hickenlooper
Governor