

STATE OF COLORADO

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John W. Hickenlooper
Governor

D 2011-022

EXECUTIVE ORDER

Declaring a Disaster Emergency Due to the Shell Fire Complex 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.*, John W. Hickenlooper, Governor of the State of Colorado, hereby issues this Executive Order declaring a state of disaster emergency due to the wildfires in Las Animas County, Colorado.

I. Background and Purpose

On Tuesday, June 7, 2011, two wildfires (“Shell Fire” and “Brice Fire”) were reported on private land in Las Animas County. As of the evening of June 8, the fires had spread to approximately 9,000 acres on private lands. Immediate threat is to 200 ranch homes and structures, state highway 109, and a microwave tower. Two additional wildfires started on June 7 to the west of the Shell and Brice fires on federal land. On June 12, a fifth fire (“Mesa de Maya Fire”) was reported southwest of the town of Kim. Predicted hot weather and strong gusty winds coupled with abundant dry fuels indicate an aggressive response is essential. Las Animas County resources have been fully engaged in fighting the wildfires which have now exceeded their management capacity. Approximately nine federal and state agencies, including the Colorado State Forest Service, the U.S. Forest Service, Bureau of Land Management, Department of Defense, Division of Emergency Management, Department of Corrections, adjacent counties, and local emergency teams have responded to the wildfire by deploying a variety of resources, including over 200 firefighters, three engines, four bulldozers, two single engine air tankers, and two helicopters. Together, the Shell, Brice, and Mesa de Maya Fires will be managed under one command structure utilizing and sharing resources among the three fires and be known as the “Shell Fire Complex.”

The Governor is 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 Shell Fire Complex’s proximity to ranch headquarters, the town of Kim, and state highway 109 pose an imminent danger to

life and property and, therefore, constitute a disaster for the purposes of the Act. In response to this disaster, on June 9, 2011, I declared a disaster emergency.

II. Declaration and Directives

- A. The Shell Fire Complex hereby constitutes a disaster emergency for purposes of C.R.S. § 24-32-2103. My verbal order of June 9, 2011, declaring a state 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 (“Plan”) is hereby activated. All State departments and agencies shall take whatever actions may be required and requested by the Director of the Division of Emergency Management or the Colorado State Forest Service, including provision of appropriate staff and equipment as necessary.
- C. Pursuant to C.R.S. § 24-32-2106, the funds in the Disaster Emergency Fund are hereby found insufficient; therefore, consistent with Section 1, Subsection (2)(b)(I) of Ch. 453, Session Laws of Colorado 2010, it is ordered that \$1,100,000 be transferred from the Major Medical Insurance Fund to the Disaster Emergency Fund. It is further ordered that up to \$1,100,000 from the Disaster Emergency Fund is encumbered to pay for the response and recovery effort related to the Shell Fire Complex since its inception. The Colorado State Forester is hereby authorized and directed to allocate the funding to the appropriate government agencies. These funds shall remain available for this purpose for one year from the date of this Executive Order, and any unexpended funds shall remain in the Disaster Emergency Fund.
- D. The Director of the Colorado Division of Emergency Management and the Colorado State Forest Service are 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 this disaster emergency.

III. Duration

This Executive Order shall expire thirty days from its date of signature unless extended further by Executive Order, except that the funds described in paragraph II(C) above shall remain available for the described purposes for one year from the date of this Executive Order.



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

A handwritten signature in blue ink, reading "John W. Hickenlooper".

John W. Hickenlooper
Governor