

STATE OF COLORADO

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John W. Hickenlooper
Governor

D 2012-007

EXECUTIVE ORDER

Declaring a Disaster Emergency Due to the Lower North Fork Fire

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Colorado Constitution, article IV, section 13 and relevant portions of the Colorado Disaster Emergency Act of 1992, C.R.S. § 24-32-2100, *et seq.*, Governor John W. Hickenlooper, Governor of the State of Colorado, hereby issues this Executive Order declaring a state of disaster emergency due to the wildfire in Jefferson County, Colorado.

I. Background and Purpose

On March 26, 2012 it was brought to the attention of the administration that a fire was threatening homes and property southwest of Denver in forested mountain terrain south of Aspen Park, Colorado. The wildfire was being driven by high winds causing spot fires to occur in front of the main fire. Direction of spread was generally to the north northeast. Local and state resources on scene took immediate aggressive suppression action. At approximately 1745 hours a request for a Federal Emergency Management Assistance (FEMA) Fire Management Assistance Grant was submitted. FEMA notified the state at 2100 hours that the Lower North Fork Fire was accepted as a qualifying fire.

At approximately 2100 hours the Colorado State Forest Service received a request from the Jefferson County Sheriff to assume charge of the Lower North Fork Fire in accord with the Emergency Fire Fund Agreement. The State accepted the Lower North Fork Fire as an Emergency Fire Fund designated fire and verbally notified the Jefferson County Sheriff at 2215 hours. With the disaster declaration made in this executive order, the State is accepting the Lower North Fork Fire as a Disaster Emergency Fund designated fire.

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 Lower North Fork Fire's proximity to numerous homes and

property poses an imminent danger to life and property and, therefore, constitutes a disaster for the purposes of the Act. On March 27, 2012, Lieutenant Governor Joseph A. Garcia activated the National Guard and the State Emergency Operations Plan to assist in fighting the fire. See Executive Order D 2012-005. On March 28, 2012, Lieutenant Governor Joseph A. Garcia suspended prescribed or controlled fire pending review of protocols. See Executive Order D 2012-006.

II. Declaration and Directives

- A. The Lower North Fork Fire hereby constitutes a disaster emergency for purposes of C.R.S. § 24-32-2103. My verbal order of March 29, 2012, 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 initially activated pursuant to Executive Order D 2012-005 is hereby activated anew. All State departments and agencies shall continue to 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, \$3.5 million in the Disaster Emergency Fund is encumbered to pay for fire suppression efforts related to the Lower North Fork Fire since its inception. The \$3.5 million exists in the Disaster Emergency Fund from unexpended funds for the Four Mile Fire previously encumbered in Executive Orders D 2010-012, D 2011-034, and D 2012-004. The Colorado State Forester working in conjunction with the Director of Colorado Division of Emergency Management 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 thirtieth day of
March, 2012.

A handwritten signature in blue ink, which appears to read "John W. Hickenlooper".

John W. Hickenlooper
Governor