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John W. Hickenlooper
Governor

D 2012-030

EXECUTIVE ORDER

Extending the Declaration of Disaster Emergency due to the High Park Fire in Larimer County

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Colorado Constitution, article IV, sections 5 and 13, C.R.S § 28-3-104 and relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-700, *et seq.*, I, Lieutenant Governor Joseph A. Garcia, Lieutenant Governor of the State of Colorado, hereby issue this Executive Order reaffirming the earlier declaration of a state of disaster emergency due to the wildfire in Larimer County, Colorado, updating to reflect structural changes at the Department of Public Safety, and redirecting available resources to those displaced by the fire.

I. Background and Purpose

On June 9, 2012 it was brought to the attention of the administration that a fire was threatening homes and property in forested mountain terrain in Larimer County. The wildfire was exacerbated by high winds and grew in multiple directions. As of this Executive Order, one fatality has occurred and 336 structures (including homes and outbuildings) are confirmed lost or damaged. Approximately 2,600 evacuation notifications were sent for multiple areas threatened by this fire. At approximately 1919 hours on June 9th, the Federal Emergency Management Agency (FEMA) accepted the High Park Fire as a fire qualifying for a Fire Management Assistance Grant.

At approximately 1500 hours on June 9th the Colorado State Forest Service received a request from the Larimer County Sheriff to assume charge of the High Park Fire in accord with the Emergency Fire Fund Agreement. The State accepted the High Park Fire as an Emergency Fire Fund designated fire at midnight on June 9th. With the disaster declaration memorialized by this Executive Order, the State is re-affirming the High Park 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. § 24-33.5-703 (3). The High Park Fire's proximity to numerous homes, property, and critical infrastructure poses an imminent danger to life and property and, therefore, constitutes a disaster for the purposes of the Act. On June 9, 2012, Governor Hickenlooper declared a Disaster Emergency; see Executive Order D 2012-014. On June 21, 2012, Governor Hickenlooper issued Executive Order D-2012-019, increasing the available funds to fight the fire to $25,000,000. On July 9, 2012 the administration gave a verbal order to extend the declaration of a Disaster Emergency for the High Park Fire for thirty days pursuant to C.R.S. § 24-33.5-704, because preliminary damage assessments and recovery efforts are continuing.

II. Declaration and Directives

A. I hereby declare that the High Park Fire continues to constitute a disaster emergency for purposes of C.R.S. § 24-33.5-703.

B. The State Emergency Operations Plan continues to be activated pursuant to C.R.S. § 24-33.5-1102. All State departments and agencies shall take whatever actions may be required and requested by the Director of the Office of Emergency Management, including provision of appropriate staff and equipment as necessary.

C. Pursuant to C.R.S § 24-32-2106 (4), the funds in the Disaster Emergency Fund are hereby found insufficient to pay for the fire suppression efforts related to the High Park Fire. Therefore, it is ordered that $12,000,000 be transferred into the Disaster Emergency Fund from the Major Medical Insurance Fund, created in C.R.S. § 8-46-202(1)(a); $6,000,000 be transferred into the Disaster Emergency Fund from the General Fund appropriation in Fiscal Year 2012-13 to the Controlled Maintenance Trust Fund; $2,000,000 be transferred into the Disaster Emergency Fund from General Fund appropriations in Fiscal Year 2011-12 to the Department of Health Care Policy and Financing, Indigent Care Program, Children's Basic Health Plan Medical and Dental Plan line item; $556,000 be transferred into the Disaster Emergency Fund from the General Fund appropriations in Fiscal Year 2011-12 to the Department of Corrections, Institutions Maintenance Subprogram Operating Expenses line item; $395,000 be transferred into the Disaster Emergency Fund from the General Fund appropriations in Fiscal Year 2011-12 to the Department of Corrections, Institutions Superintendents Subprogram Operating Expenses line item; and

$49,000 be transferred into the Disaster Emergency Fund from General Fund appropriations in Fiscal Year 2011-12 to the Department of Human Services, Division of Youth Corrections, Community Programs Parole Program Services line item. It is further ordered that $25,000,000 from the Disaster Emergency Fund is encumbered to pay for the fire suppression, response, and recovery effort related to the High Park Fire since its inception. I further order that $3,300,000 of the previously encumbered $25,000,000 is designated to cover suppression, response and recovery costs. Specifically included in this designation are costs of Colorado National Guard resources and costs of $30,000 for Volunteer and Donations Management through September 1, 2012. These additional funds may also be used to pay for extraordinary costs, beyond those normally budgeted, to assist with the recovery efforts required by the High Park Fire. Authorized expenditures of these funds include resources ordered by the Office of Emergency Management or requested for reimbursement by Larimer County or appropriate state and other agencies, including costs incurred by non-profit organizations on behalf of government entities, and as approved by the Director of the Office of Emergency Management. The Director of the Colorado Office of Emergency Management is hereby authorized and directed to allocate the funding to the appropriate agencies and execute Awards, Purchase Orders or other mechanisms to effect the allocation of the funds. These funds shall remain available for this purpose for eighteen months from the date of this Executive Order, and any unexpended funds shall remain in the Disaster Emergency Fund.

D. In addition to the directive in paragraph II(F) of Executive Order D 2012-014 to apply for federal funds, the Director of the Colorado Office of Emergency Management is hereby authorized and directed to coordinate application for any federal assistance or low-interest loans that may be available to assist the affected communities and residents with responding to and recovering from the disaster including but not limited to Stafford Act grants, Small Business Administration loans, Community Development Block Grants, and Community Service Block Grants.

III. Duration

Executive Orders D 2012-014 and D 2012-019 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, except that the funds described in paragraph II(C) above shall remain available for the described purposes for eighteen months from the date of this Executive Order.

IV. Lieutenant Governor

I am executing this Executive Order pursuant to the Colorado Constitution, article IV, section 13(5) as Governor John W. Hickenlooper is currently traveling outside the State of Colorado.

GIVEN under my hand and the Executive Seal of the State of Colorado this twelfth day of July, 2012.

Joseph A. Garcia, Lt. Governor, acting on behalf of the State while Governor John W. Hickenlooper is absent from the State.