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Colorado Secretary of State

John W. Hickenlooper
Governor

D 2013-024

EXECUTIVE ORDER

Declaring a Disaster Emergency Due to the Red Canyon Fire in Garfield County

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant relevant portions of C.R.S. § 28-3-104 and relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.*, I, John W. Hickenlooper, Governor of the State of Colorado, hereby issue this Executive Order declaring a disaster emergency due to the Red Canyon Fire in Garfield County, Colorado, and making resources available to fight the fire and address the disaster emergency.

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).

On August 12, 2013 the Red Canyon Fire started south of Glenwood Springs east of Colorado Highway 82 near County Road 115 and County Road 119 in Garfield County. The probable cause is lightning. By 19:00 hours the fire grew to over 15 acres. By 2100 hours the wind driven fire grew to approximately 150 acres, prompting the pre-evacuation of 70 homes and ordering of a Type II Incident Management Team to manage the fire.

On August 12, 2013 at approximately 2100 hours the Garfield County Sheriff determined that the fire would exceed the ability of the county and other local resources to contain and extinguish the fire and requested the response of the Division of Fire Prevention and Control. The Garfield County Sheriff requested transfer of the fire to the State of Colorado under the Emergency Fire Fund (EFF) provisions.

At approximately 2345 hours the Division of Fire Prevention and Control completed its assessment and determined that the Red Canyon Fire met the criteria for EFF designation. However, EFF funds were exhausted in previous fires. Therefore, a disaster emergency was requested and approved by the Governor at 0005 hours on August 13, 2013, effective at 0001 hours on August 13, 2013, as requested by the Division of Fire Prevention and Control.

In non-emergency circumstances, C.R.S. § 25-3.5-203(1)(b)requires a person providing emergency medical services in Colorado must possess a certification issued by the Colorado Department of Public Health and Environment.

During the continuance of any state of disaster, the Governor is authorized by C.R.S. § 24-33.5-704(7)(a) to suspend the provisions of any regulatory statute or the regulations of any state agency if strict compliance with the provisions of the statute or regulation would in any way "prevent, hinder, or delay necessary action in coping with the emergency."

II. Declaration and Directives

A. The Red Canyon Fire constitutes a disaster emergency under C.R.S. §§ 24-33.5-704. My verbal order of August 13, 2013 at 0005 hours, declaring a disaster emergency effective at 0001 hours on August 13, 2013 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 is hereby activated. 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. § 24-33.5-706(4) the funds in the Disaster Emergency Fund are found to be insufficient to pay for fire suppression efforts related to the Red Canyon Fire. Therefore, it is ordered that $2,000,000 be transferred into the Disaster Emergency Fund from the General Fund appropriation in Fiscal Year 2013-14 to the Controlled Maintenance Trust Fund. Therefore it is ordered that $2,000,000 from the Disaster Emergency Fund is encumbered to pay for the fire suppression, response, and recovery effort related to the Red Canyon Fire since its inception. The Director of the Office of Emergency Management is hereby authorized and directed to allocate the funding to the appropriate government 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. The Colorado Department of Public Safety is 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.

E. Due to the extent of this and other wildfires, the requirement for Colorado emergency medical services provider certification for personnel directly in support of wildfire suppression operations in the State of Colorado is suspended for providers that hold current emergency medical services provider licensure or certification in good standing from the National Registry of Emergency Medical Technicians or any state or territory in the United States until this executive order expires, unless extended as provided in Section III.

III. Duration

This Executive Order shall expire thirty days from August 13, 2013 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.

GIVEN under my hand and the Executive Seal of the State of Colorado this sixteenth day of August, 2013.

John W. Hickenlooper
Governor