STATE OF COLORADO

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John W. Hickenlooper
Governor

D 2013-026

EXECUTIVE ORDER

Declaring a Disaster Emergency Due to the Flooding in Adams, Arapahoe, Broomfield, Boulder, Denver, El Paso, Fremont, Jefferson, Larimer, Logan, Morgan, Pueblo, Washington, and Weld Counties (Front Range Flooding)

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 state of disaster emergency due to the flooding in Adams, Arapahoe, Broomfield, Boulder, Denver, El Paso, Fremont, Jefferson, Larimer, Logan, Morgan, Pueblo, Washington, and Weld Counties, Colorado, and making resources available to search for flood victims, assist flood survivors, remove the flood debris, provide flood emergency protective measures, address the disaster emergency, and assist with flood recovery.

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 . . . flood." C.R.S. § 24-33.5-703(3).

Beginning on September 11, 2013, heavy rainfall fell west of Interstate 25 from south of Colorado Springs to the Wyoming border. The greatest impact was in Boulder County, where up to eight inches of rain fell by 0700 hours on September 12, 2013. Rainfall continues with the National Weather Service predicting another 2 – 4 inches by 0700 hours on September 13, 2013. While authorities cannot conduct damage assessments until the rainfall subsides and the flooding recedes; known consequences are three fatalities, three injuries, damage to a natural gas distribution pipeline, power outages, at least two structures destroyed, water damage to

approximately 40 building on the University of Colorado – Boulder campus, isolation of the towns of Estes Park, Jamestown, Lyons, and Nederland, damage to U.S. Highway 34 near Drake, Dillon Road in Boulder County, closure of numerous roads in local jurisdictions, and damage to the Town of Lyons wastewater treatment system.

On September 12, 2013, Boulder County requested state assistance of the Colorado National Guard for helicopter search and rescue missions at daylight. At approximately 0045 hours, I verbally approved this request. At approximately 0235 hours, Boulder County upgraded the request to utlilize National Guard assets immediately. I approved this request and authorized use of the Colorado National Guard for this or any other flood related mission in any affected counties. Further, this Executive Order authorizes the Colorado National Guard to enforce the laws of the State of Colorado upon request from any local jurisdiction affected by the flooding.

At approximately 0700 hours, I verbally declared a disaster emergency for the flooding in Boulder and Larimer Counties and activated the State Emergency Operations Plan. This declaration adds additional counties affected by the continuing flooding.

II. Declaration and Directives

A. The flooding along the Front Range constitutes a disaster emergency under C.R.S. § 24-33.5-701, 705. My verbal order of September 12, 2013, declaring a 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 is hereby activated. All State departments and agencies shall take whatever actions may be required and requested by the Director or Acting 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 the flood response and recovery. Therefore, it is ordered that $6,000,000 be transferred into the Disaster Emergency Fund from the General Fund appropriation in Fiscal Year 2013-14 to the Controlled Maintenance Trust Fund. It is further ordered that this $6,000,000 from the Disaster Emergency Fund is encumbered to pay for the flood response and recovery. Included in the specified amount is $1,000,000 for recovery related to this disaster. The Director of the Office of Emergency Management is hereby authorized and directed to allocate the funding to the appropriate government

agencies and non-profit organizations 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 Division of Homeland Security and Emergency Management 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. My verbal orders of September 12, 2013, activating the National Guard, authorizing the utilization of National Guard assets for any flood related missions, and enforcing the laws of the State of Colorado as provided in C.R.S. § 16-2.5-144 are hereby memorialized by this Executive Order and shall have the full force and effect of law as if they were contained within this Executive Order.

F. Under the provisions of C.R.S. § 24-33.5-704 (7) (a), (e), & (g) and in the interest of public safety, I hereby authorize and local sheriff and police departments to suspend recreational boating in the affected counties as appropriate and the Division of Parks and Wildlife to do the same for state public recreation areas in the affected counties for the duration of this Executive Order.

G. For the purposes of sections 125 and 120(e) of Title 23 of the United States Code, I hereby find that the damage to the affected counties as a result of the flooding constitutes an emergency. The immediate repair to highways in these counties is vital to ensuring that necessary improvements are made to mitigate future similar incidents and provide for safe and reliable transportation for area residents. The Federal Highway Administration Colorado Division Administrator is requested to concur in the declaration of this emergency. This declaration shall permit the Colorado Department of Transportation to pursue federal transportation emergency relief funds, as is provided under the United States Code. The Executive Director of the Colorado Department of Transportation 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.

III. Duration

This Executive Order shall expire thirty days from September 12, 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 thirteenth day of September, 2013.

John W. Hickenlooper
Governor