



## D 2020 193

### EXECUTIVE ORDER

#### **Declaring a Disaster Emergency Due to Multiple Fires Statewide, Authorizing Employment of the Colorado National Guard, and Authorizing the Colorado Department of Public Health and Environment to Suspend Certain Regulations, Certifications, and Licensing Requirements**

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution and the relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.*, I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order declaring a state of disaster emergency due to multiple fires statewide in Colorado.

Pursuant to Article IV, Section 5 of the Colorado Constitution and pursuant to C.R.S. § 28-3-104, I hereby authorize employing the Colorado National Guard for the purpose of responding to multiple fires statewide by providing standby aircraft to support emergency search and rescue; providing aircraft, equipment, and personnel to support fire suppression efforts; and assisting law enforcement agencies with traffic control, security needs, and supporting evacuations.

Further, pursuant to C.R.S. § 24-33.5-704(7)(a), I hereby authorize the Colorado Department of Public Health and Environment (CDPHE) to suspend certain regulations, certifications, and licensing requirements for providers of emergency medical services and physician medical directors from outside of Colorado formally ordered by on-scene incident management organizations to respond to fires for the duration of this Executive Order.

#### **I. Background and Purpose**

The Governor is responsible for meeting the dangers to the State and people presented by disasters. C.R.S. § 24-33.5-704(1). The Colorado Disaster Emergency Act defines a disaster as “the occurrence or imminent threat of widespread or severe damage, 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).

High temperatures and dry conditions have resulted in high fire danger and extreme fire behavior throughout much of Colorado. The entire state continues to experience abnormally dry or drought conditions, and approximately 92 percent of the State is in severe, extreme, or exceptional drought conditions as classified by the United States Drought Monitor. On June 22, 2020, I activated the State’s Drought Mitigation and Response Plan, which formalized a cabinet-level Drought Task Force as well as an Agricultural Impact Task Force to assess and track

impacts of the drought and increase coordination across our local, State, and federal partners. Already this year, 941 wildfires have burned over 334,543 acres across the State. These conditions attest to the continuing threat to life, health, and property posed by wildfires on Colorado's public and private lands. On August 19, 2020, I issued an Executive Order declaring that conditions of extreme fire hazard exist and ordering temporary fire restrictions across the State of Colorado to reduce the risk of new fires.

Throughout the 2020 fire season, dry and hot conditions increased the wildland fire risk across Colorado and western states. In late July and continuing into August and September, numerous wildland fires broke out throughout western and northern Colorado. Federal, State, and local communities mobilized all available equipment and personnel to conduct fire suppression and support activities, but the need is so great that current resources are at or beyond capacity. The Colorado National Guard can provide aircraft, equipment, and personnel ("National Guard Assets") to support firefighting operations.

Firefighters required significant air search and rescue support because of the wide range of the fires throughout the State and the nature of the terrain where the fires are burning. The Incident Management Teams on fires in Colorado requested assistance by the Colorado National Guard to provide air search and rescue capabilities.

At approximately 1:32 PM on August 18, 2020, I verbally declared a disaster emergency for multiple fires statewide, authorized the use of Colorado National Guard Assets, and activated the State of Colorado Emergency Operations Plan. I also authorized CDPHE to suspend certain regulations, certifications, and licensing requirements for thirty (30) days for out-of-state providers of emergency medical services and physician medical directors to provide support for fire response in Colorado.

## **II. Declarations and Directives**

- A. The multiple fires statewide and associated impacts in portions of Colorado constitute a disaster emergency under C.R.S. § 24-33.5-701, *et seq.* My verbal orders of August 18, 2020, declaring a disaster emergency for multiple fires statewide and authorizing the use of the Colorado National Guard, 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.
- 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 pursuant to the Emergency Support Function 5 Annex of the State Emergency Operations Plan, including provision of appropriate staff and equipment as necessary.
- C. Pursuant to Article IV, Section 5 of the Colorado Constitution and C.R.S. § 28-3-104, I have determined that it is in the best interest of the people of Colorado to activate the Colorado National Guard to support firefighting operations. Costs for the Colorado National Guard Assets in standby service to

the United States Forest Service shall be reimbursed by the United States Forest Service. Other costs for the Colorado National Guard, including the actual use of National Guard Assets to mitigate wildland fires, shall be assigned to each incident as it occurs and shall be reimbursed according to the processes, and from the fund, established for each fire. In order to ensure timely reimbursement to the Colorado National Guard, I authorize payment from the Wildfire Cost Recovery Fund, managed by the Division of Fire Prevention and Control, to cover these costs.

- D. The Division of Fire Prevention and Control, via its fire billing practices, is authorized to coordinate applications for any funds available related to this disaster emergency. Specifically, the Colorado Division of Fire Prevention and Control is directed to seek reimbursement and make payments as needed to agencies providing assistance for multiple fires statewide covered by this Executive Order.
- E. My verbal order of August 18, 2020, activating the Colorado National Guard and authorizing the use of the National Guard Assets to assist in firefighting operations, is limited to those fires existing at the time of the aforementioned verbal orders and any fires occurring while this Executive Order is in effect.
- F. My verbal order of August 18, 2020, regarding CDPHE, 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. Pursuant to C.R.S. § 24-33.5-704(7)(a), and in the interest of public safety, I authorize CDPHE to suspend certain regulations, certifications, and licensing requirements for providers of emergency medical services and physician medical directors from outside of Colorado formally ordered by on-scene incident management organizations to respond to fires for the duration of this Executive Order.

### **III. Duration**

This Executive Order shall expire thirty (30) days from August 18, 2020, unless extended further by Executive Order.



GIVEN under my hand and  
the Executive Seal of the  
State of Colorado, this  
sixteenth day of September,  
2020.

A handwritten signature in blue ink that reads "Jared Polis".

Jared Polis  
Governor