



D 2020 171

EXECUTIVE ORDER

Declaring a Disaster Emergency Due to the Pine Gulch Fire in Mesa and Garfield Counties

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 the Pine Gulch Fire in Mesa and Garfield Counties, enabling State agencies to coordinate and making resources available for fire suppression, response, consequence management, and recovery efforts.

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 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 Pine Gulch Fire started July 31, 2020, on Bureau of Land Management land in Mesa County. On August 2, 2020, fire behavior became very active due to weather and drought conditions. The fire spread was mapped at 1021 acres, with zero percent containment, on federal, State, and private land. By 8:00 PM on August 2, 2020, the fire had grown to more than 2500 acres. Values at risk include oil and gas infrastructure, livestock, cabins, and other structures. At approximately 8:30 PM on August 2, 2020, the Division of Fire Prevention and Control determined that the Pine Gulch Fire had exceeded county capacity and was eligible for state responsibility per the Emergency Fire Fund criteria.

At approximately 9:10 PM on August 2, 2020, I verbally declared a disaster emergency for the Pine Gulch Fire in Mesa County and activated the State of Colorado Emergency Operations Plan.

On August 12, 2020, Garfield County issued county resolution 2020-37 declaring a local disaster emergency due to the Pine Gulch Fire and the Grizzly Creek Fire.

As of August 19, 2020, the Pine Gulch Fire burned 125,252 acres and was 14% contained, making it the second largest fire in State history. Fifty residences are threatened and 35 homes were evacuated due to the Pine Gulch Fire.

II. Declarations and Directives

- A. The Pine Gulch Fire and associated impacts constitute a disaster emergency under C.R.S. § 24-33.5-701, *et seq.* My verbal order of August 2, 2020, 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 pursuant to the Emergency Support Function 5 Annex of the State Emergency Operations Plan, including provision of appropriate staff and equipment as necessary.
- C. Funds in the Emergency Fire Fund are hereby found to be insufficient to pay for the State's fire suppression, response, consequence management, and recovery efforts related to the Pine Gulch Fire. Further, pursuant to C.R.S. § 24-33.5-706(4)(b), funds in the Disaster Emergency Fund are hereby found insufficient to pay for the State's fire suppression, response, consequence management, and recovery efforts related to the Pine Gulch Fire. I therefore transfer seven hundred thousand dollars (\$700,000) into the Disaster Emergency Fund from the Controlled Maintenance Trust Fund. I further encumber eight million dollars (\$8,000,000) from the Disaster Emergency Fund, established in C.R.S. § 24-33.5-706(2)(a), for costs associated with the State's fire suppression, response, consequence management, and recovery efforts related to the Pine Gulch Fire since August 3, 2020.
- D. Pursuant to C.R.S. § 24-33.5-705.4(5), 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. The funds described in section II(C) above shall remain available for this purpose until thirty-six (36) months from the date of this Executive Order, and any unexpended funds shall remain in the Disaster Emergency Fund.
- E. The Division of Fire Prevention and Control, via its fire billing practices, is authorized to coordinate application 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 on this incident.

III. Duration

This Executive Order shall expire thirty (30) days from August 2, 2020, unless extended further by Executive Order, except that the funds described in Section II(C) above shall remain available for the described purposes for thirty-six (36) months from the date of this Executive Order.



GIVEN under my hand and
the Executive Seal of the
State of Colorado, this
twenty-second day of
August, 2020.

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

Jared Polis
Governor