JARED POLIS
GOVERNOR

136 STATE CAPITOL
DENVER, COLORADO 80203

TEL 303-866-2471
FAX 303-866-2003

D 2020 072

EXECUTIVE ORDER

Ordering the Transfer of Funds from the Disaster Emergency Fund to the Wildfire Emergency Response Fund to Fund Firefighting Operations and Encumbering Funds in the Disaster Emergency Fund for Additional Wildfire Aviation Resources

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 ordering the transfer of funds from the Disaster Emergency Fund to the Wildfire Emergency Response Fund to fund firefighting operations, and encumbering funds in the Disaster Emergency Fund for additional wildfire aviation resources.

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).

On March 5, 2020, the Colorado Department of Public Health and Environment's (CDPHE) public health laboratory confirmed the first presumptive positive coronavirus disease 2019 (COVID-19) test result in Colorado. Since then, the number of confirmed cases has continued to climb, and there is community spread throughout the State. I verbally declared a disaster emergency on March 10, 2020, and on March 11, 2020, I issued the corresponding Executive Order D 2020 003, as amended by Executive Orders D 2020 018, D 2020 032, and D 2020 058. On March 25, 2020, I requested that the President of the United States declare a Major Disaster for the State of Colorado, pursuant to the Stafford Act. The President approved that request on March 28, 2020.

COVID-19 has strained our first responders as they have mobilized to save lives. As identified in the State's 2020 Wildfire Preparedness Plan, local fire departments have reduced availability to provide response and assistance outside of their home jurisdiction, and firefighting resources from other states and federal agencies have limited capacity. COVID-19 creates challenges to maintaining the health of firefighters in fire camps and command posts, and poses a high risk of exposure among fire management personnel.

Pursuant to C.R.S. § 24-33.5-1226(2), the Wildfire Emergency Response Fund assists local jurisdictions with aerial tanker or firefighting helicopter support, as well as the employment of wildfire hand crews for initial attack on wildfires. The current balance of the Wildfire Emergency Response Fund is one hundred fifty two thousand two hundred and fifty three dollars ($152,253). Based on projected operational needs, the Division of Fire Prevention and Control within the Department of Public Safety estimates the Wildfire Emergency Response Fund will need an additional seven hundred sixty three thousand dollars ($763,000). These funds will enable the State to respond to the current circumstances presented by COVID-19. Colorado will use the funds for early detection and rapid initial attack actions to reduce the probability and impacts from large, extended wildfires. The State also needs additional aviation resources, specifically a Large Air Tanker, to adequately respond to wildfires. The use of a Large Air Tanker will enhance the State's ability to contain fires, preserve resources, and keep firefighters and citizens out of dangerous environments.

This Executive Order directs the transfer of funds from the Disaster Emergency Fund to the Wildfire Emergency Response Fund so that the Wildfire Emergency Response Fund has sufficient funds to assist local jurisdictions. This Executive Order also encumbers funds in the Disaster Emergency Fund for additional wildfire aviation resources, with a priority for an Exclusive Use Large Air Tanker for the State of Colorado.

II. Directives

A. Pursuant to C.R.S. § 24-33.5-706(4), I order that seven hundred and sixty three thousand dollars ($763,000) be transferred from the Disaster Emergency Fund established in C.R.S. § 24-33.5-706(2)(a) to the Wildfire Emergency Response Fund established in C.R.S. § 24-33.5-1226, to provide funding or reimbursement for firefighting operations set out in C.R.S. § 24-33.5-1226(2), and for the pre-positioning of resources based on fire conditions and the early detection of wildfires.

B. I encumber two million dollars ($2,000,000) from the Disaster Emergency Fund established in C.R.S. § 24-33.5-706(2)(a) to pay for additional wildfire aviation resources, to the extent that those resources are available, with a priority for an Exclusive Use Large Air Tanker for the State of Colorado.

III. Duration

This Executive Order shall remain in effect unless modified or rescinded by future Executive Order of the Governor.

GIVEN under my hand and the Executive Seal of the State of Colorado, this twenty-first day of May, 2020

Jared Polis
Governor