

D 003 03

EXECUTIVE ORDER

Concerning the Continuing Threat of Flooding in Areas Affected by the 2002 Wildfires

Pursuant to the authority vested in the Office of the Governor of the State of Colorado, and in particular Section 24-32-2101 *et seq.* of the Colorado Revised Statutes, I, Bill Owens, Governor of the State of Colorado, hereby issue this Executive Order declaring a disaster emergency due to the imminent threat of flood in areas affected by wildfires.

1. Background and Need.

In 2002, 2,031 wildfires burned a total of 501,686 acres throughout the State of Colorado. As a result of these fires, many hillsides throughout the state are completely barren. This situation creates a serious risk of flooding, contamination of water sources, and accelerated erosion. For example, in 1996 a wildfire burned 12,000 acres near Buffalo Creek. In the months following the fire, numerous flash floods ensued, culminating in a major flood that claimed two lives, caused extensive damage and left many residents without water for a month.

One purpose of the Disaster Emergency Act is to “[p]rovide a setting conducive to the rapid and orderly start of restoration and rehabilitation of persons and property affected by disasters;” Colorado Revised Statutes § 24-32-2102. The Act defines disasters 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...flood...” C.R.S. § 24-32-2103(1.5).

The United States Department of Agriculture has released \$13 million to the Natural Resource Conservation Service (NRCS) to restore burned watersheds in Colorado. However, access to these funds requires a 25 percent match from non-federal sources. The match can be achieved with cash funding or in kind contributions. On September 30, 2002, I issued Executive Order D 025 02, declaring that the 2002 wildfires have created a threat of flooding that constitutes a disaster emergency for the purposes of Colorado Revised Statute Section 24-32-2101 *et seq.*

Executive Order D 025 02 authorized up to \$2 million from the Disaster Emergency Fund to be used as matching funds for fire restoration projects. The risk of flood in areas affected by the 2002 wildfires continues to pose an imminent threat to the life and property of Colorado citizens.

2. Mission and Scope.

The threat of flooding in areas burned by wildfires poses an imminent threat to the life and property of people living in these areas. This threat constitutes a disaster emergency for the purposes of C.R.S. § 24-32-2103.

In accordance with this threat, I hereby authorize the continued use of Disaster Funds made available in Executive Order D 025 02. These funds may be used as a 25 percent match to receive federal assistance with the fire restoration efforts and shall remain available for that purpose until June 8, 2003. This order does not increase the amount of available funds.

I order appropriate state agencies to continue to participate in soil restoration projects that qualify as in kind contributions for purposes of this project. These services will reduce the cash funded portion of the NRCS match.

3. Duration.

This Executive Order shall expire thirty (30) days from the date of its execution unless extended by Executive Order.

GIVEN under my hand and the
Executive Seal of the State of
Colorado, this 8th
day of January, 2003.

Bill Owens
Governor