

STATE OF COLORADO

EXECUTIVE CHAMBERS

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Bill Owens
Governor

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E X E C U T I V E O R D E R

Declaring a Disaster Emergency and Calling on Certain Elements of the National Guard Due to Flooding

Pursuant to the authority vested in the Office of the Governor of the State of Colorado, and pursuant to the relevant portions of the Colorado Disaster Emergency Act, §24-32-2100 *et seq.*, C.R.S., I, Bill Owens, Governor of the State of Colorado, hereby issue this Executive Order declaring a state of disaster emergency.

1. Background and Need.

Between July 7, 2006 and July 9, 2006, severe rains throughout Colorado caused several counties to experience flooding. Douglas County experienced the most severe flooding during this time period. The flooding caused several creeks in Douglas County, Colorado to swell, washing out roads, bridges, and culverts, flooding houses, and endangering the lives of occupants in the flooded area. The flooding was exacerbated by runoff from the Hayman burn area, a 138,000-acre area that was burned in 2002 and has not grown back sufficiently to hold back or absorb the rainfall. Horse Creek and West Creek, which run parallel to State Highway 67, crested 25-30 feet above normal level causing substantial damage to the federal-aid highway. A 4.5-mile section (between mile markers 92 and 97) has been closed to traffic due to multiple sections of the roadway, roadway embankment, and drainage culverts having been washed away.

The Colorado Disaster Emergency Act (the "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, flood,..." C.R.S. § 24-32-2103(1.5). On July 8, 2006, I issued a verbal order declaring that the flooding in all affected areas of Colorado constituted a disaster for the purposes of the Colorado Disaster Emergency Act.

In response, I have encumbered state funds and directed the use of state resources to respond to the flooding in the shortest possible timeframe. Because of the inaccessibility of the road, public safety personnel in Douglas County can only survey the disaster area by helicopter. Damage assessment is necessary to evaluate the immediate peril to life as well as a preliminary assessment to the damage to the roads and surrounding areas. I directed the National Guard to provide assistance in this effort. Colorado will use every resource at its disposal when the life or property of its citizens is at risk.

2. Mission and Scope.

- A. I hereby declare that flooding in all affected areas of Colorado, occurring July 7, 2006 through July 9, 2006, constitutes a disaster for purposes of C.R.S. §24-32-2103.
- B. Pursuant to C.R.S. § 24-32-2106, I order the encumbrance of \$8,000 from the State Disaster Emergency Fund to be available for the use of aircraft for the purpose of life and safety and preliminary assessment of damage the affected area. These funds shall remain available for this purpose for nine months from the date of this Executive Order.
- C. I also hereby declare the existence of a disaster emergency for purposes of Sections 125 and 120(e) of Title 23, U.S.C., as to damage incurred to SH 67. The immediate repair and reconstruction of the damaged highway is vital to the security, well being, and health of the citizens of the state of Colorado; and the Federal Highway Administrator is hereby requested to concur in the declaration of this emergency.
- D. The Director of the Colorado Office of Emergency Management and Executive Director of the Colorado Department of Transportation are hereby authorized and directed to coordinate application to the federal government for funds available to individuals affected by this disaster, federal funds available for reimbursement, and for any other funds available related to this disaster emergency.
- E. All verbal orders I issued in regard to this disaster emergency, including my disaster emergency declaration on July 8, 2006, 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.

3. Duration

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



GIVEN under my hand and the
Executive Seal of the State of Colorado
this 13th day of July 2006.

Bill Owens.

Bill Owens
Governor