

State of North Carolina

ROY COOPER
GOVERNOR

April 17, 2019

EXECUTIVE ORDER NO. 94

DECLARATION OF A STATE OF EMERGENCY

BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA

WHEREAS, western North Carolina received up to fifteen inches of rain in certain districts beginning on 11 February 2019 and extending through 25 February 2019; and

WHEREAS, the rains have resulted in significant damage to Interstate 40 and surrounding infrastructure; and

WHEREAS, the rains, along with the ensuing damage(s) including flooding, rockslides, and mudslides, constitute a state of emergency as defined in N.C. Gen. Stat. §§ 166A-19.3(6) and 166A-19.3(19); and

WHEREAS, certain measures are necessary to ensure the protection and safety of North Carolina residents and coordinate the emergency response among state and local entities and officials; and

WHEREAS, the state has requested aid from the Federal Highway Administration Emergency Relief program as permitted under 23 U.S.C. § 125 and 23 C.F.R. § 668 to address the damages from the weather-related events; and

WHEREAS, the immediate repair and reconstruction of the damaged highway and surrounding infrastructure is vital to the security, well-being, and health of the residents of the State of North Carolina; and

WHEREAS, N.C. Gen. Stat. §§ 166A-19.10 and 19.20 authorize the Governor to declare a state of emergency and exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies.

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

Section 1.

Pursuant to N.C. Gen. Stat. § 166A-19.20, I hereby declare that a state of emergency, as defined in N.C. Gen. Stat. §§ 166A-19.3(6) and 166A-19.3(19), exists in Alleghany, Ashe, Cherokee, Graham, Haywood, Jackson, Macon, Madison, McDowell, Mitchell, Surry, Swain, and Yancey counties due to the damages to roads, highways, and surrounding infrastructure as result of continuing rains, flash floods, landslides, rockslides, washouts, undermining, and erosion. A preliminary damage assessment was conducted from February 25th through March 8th, 2019, and the undersigned has determined that the emergency response requirement exceeds the capabilities of the State to effectively respond to the event.

The emergency area as defined in N.C. Gen. Stat. §§ 166A-19.3(7) and 166A-19.20(b) is Alleghany, Ashe, Cherokee, Graham, Haywood, Jackson, Macon, Madison, McDowell, Mitchell, Surry, Swain, and Yancey counties, North Carolina (collectively referred to as “the Emergency Area”).

Section 2.

The undersigned orders all state and local government entities and agencies to cooperate in the implementation of the provisions of this declaration and the provisions of the North Carolina Emergency Operations Plan (“the Plan”).

Section 3.

The undersigned delegates to Erik A. Hooks, the Secretary of the North Carolina Department of Public Safety, or his designee, all power and authority granted to and required of me by Article 1A of Chapter 166A of the North Carolina General Statutes for the purpose of implementing the Plan and deploying the State Emergency Response Team to take the appropriate actions necessary to promote and secure the safety and protection of the populace in North Carolina.

Section 4.

Further, Secretary Hooks, as Chief Coordinating Officer for the State of North Carolina, shall exercise the powers prescribed in N.C. Gen. Stat. § 143B-602.

Section 5.

The undersigned further directs Secretary Hooks or his designee to seek assistance from any and all agencies of the United States Government as may be needed to meet the emergency and seek reimbursement for costs incurred by the State in responding to this emergency.

Section 6.

The undersigned hereby orders that this declaration be: (1) distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (2) promptly filed with the Secretary of the North Carolina Department of Public Safety, the Secretary of State, and the superior court clerks in the counties to which it applies, unless the circumstances of the state of emergency would prevent or impede this; and (3) distributed to others as necessary to ensure proper implementation of this declaration.

Section 7.

This declaration does not prohibit or restrict lawfully possessed firearms or ammunition or impose any limitation on the consumption, transportation, sale or purchase of alcoholic beverages as provided in N.C. Gen. Stat. § 166A-19.30(c).

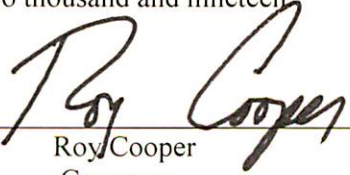
Section 8.

This declaration will not trigger the prohibitions against excessive pricing in the emergency area, notwithstanding the provisions of N.C. Gen. Stat. § 166A-19.23.

Section 9.

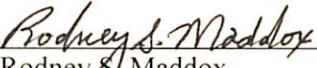
This declaration is effective immediately and shall remain in effect until rescinded.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 17th day of April in the year of our Lord two thousand and nineteen



Roy Cooper
Governor

ATTEST:



Rodney S. Maddox
Chief Deputy Secretary of State

