

State of North Carolina

ROY COOPER

GOVERNOR

November 8, 2023

EXECUTIVE ORDER NO. 293

DECLARATION OF STATE OF EMERGENCY DUE TO EXISTING AND POTENTIAL WILDFIRES

WHEREAS, since 25 October 2023 there have been multiple active wildfires in western North Carolina in addition to active wildfires in the Commonwealth of Virginia near the North Carolina border; and

WHEREAS, the North Carolina Drought Management Advisory Council in its 2 November 2023 assessment observed severe drought in the southern mountains and moderate drought in the Piedmont regions of North Carolina with potential worsening conditions; and

WHEREAS, due to the hazardous wildfire conditions, the North Carolina Forest Service has cancelled all burning permits and implemented an open burning ban in thirty (30) counties, and several counties have issued local burning bans or a local state of emergency; and

WHEREAS, the wildfires combined with the severe and moderate drought conditions could have a significant impact on public health, public safety and to public and private property in the State of North Carolina; and

WHEREAS, the current and anticipated impacts from the multiple wildfires combined with the severe and moderate drought conditions constitute a state of emergency as defined in N.C. Gen. Stat. §§ 166A-19.3(6); and

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

WHEREAS, N.C. Gen. Stat. § 166A-19.1(3) provides that it is the responsibility of the undersigned, state agencies, and local governments to “provide for the rapid and orderly rehabilitation of persons and restoration of property”; and

WHEREAS, N.C. Gen. Stat. § 166A-19.1(4) provides that it is the responsibility of the undersigned, state agencies, and local governments to “provide for cooperation and coordination of activities relating to emergency mitigation preparedness, response, and recovery among agencies and officials of this state and with similar agencies and officials of other states and with other private and quasi-official organizations”; and

WHEREAS, N.C. Gen. Stat. §§ 166A-19.10 and 166A-19.20 authorize the undersigned 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; and

WHEREAS, N.C. Gen. Stat. § 166A-19.10(3) authorizes the undersigned to delegate any gubernatorial authority vested in him under the Emergency Management Act, and to provide for the subdelegation of that authority.

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

Section 1.

I hereby declare that a state of emergency, as defined in N.C. Gen. Stat. §§ 166A-19.3(6), exists in the counties and tribal lands listed below listed below, due to the current and anticipated impacts from multiple wildfires in addition to the severe and moderate drought conditions which has increased the risk of hazardous wildfires.

For purposes of this Executive Order, the emergency area is the following counties: Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Cabarrus, Caldwell, Catawba, Cherokee, Clay, Cleveland, Gaston, Graham, Haywood, Henderson, Iredell, Jackson, Lincoln, Macon, Madison, McDowell, Mecklenburg, Mitchell, Polk, Rowan, Rutherford, Swain, Transylvania, Union, Watauga, Wilkes, Yancey, as well as tribal lands in the State of North Carolina held by the Eastern Band of Cherokee Indians. (“the Emergency Area”).

Section 2.

I order 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”).

I delegate to Eddie M. Buffaloe, Jr., the Secretary of the North Carolina Department of Public Safety (“DPS”), 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.

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

Section 3.

I further direct Secretary Buffaloe, 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 to seek reimbursement for costs incurred by the state in responding to this emergency.

Section 4.

This Executive Order does not prohibit or restrict lawfully possessed firearms or ammunition or impose any limitation on the consumption, transportation, sale, or purchase of alcoholic beverages.

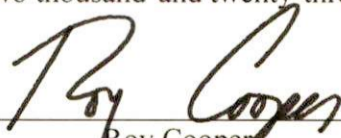
Section 5.

Pursuant to N.C. Gen. Stat. § 166A-19.23, this declaration triggers the prohibition against excessive pricing as provided in N.C. Gen. Stat. §§ 75-37 and 75-38 in the Emergency Area.

Section 6.

This Executive Order is effective immediately and shall remain in effect for at least thirty (30) days, unless earlier terminated or extended.

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 8th day of November in the year of our Lord two thousand and twenty-three.



Roy Cooper
Governor

ATTEST:



Elaine F. Marshall
Secretary of State

