



State of North Carolina

ROY COOPER
GOVERNOR

November 15, 2021

EXECUTIVE ORDER NO. 237

**DECLARATION OF A STATE OF EMERGENCY
BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA**

WHEREAS, on November 7, 2021, a strong coastal storm brought high winds, heavy rain, and significant flooding to the Outer Banks in Dare and Hyde Counties; and

WHEREAS, portions of North Carolina Highway 12 (N.C. 12) in Dare County, North Carolina were closed between the Marc Basnight Bridge and Rodanthe, as the coastal storm made travel unsafe on a section of the highway in the northern part of the Outer Banks; and

WHEREAS, portions of N.C. 12 in the northern part of the Outer Banks in Dare County, North Carolina were damaged by ocean over wash which destroyed some dunes protecting N.C. 12, forcing the road to be closed from November 7, 2021 through November 9, 2021; and

WHEREAS, the storm caused severe damage to N.C. 12, a federal-aid highway, and required immediate repairs to preserve the well-being and health of North Carolinians; and

WHEREAS, ferry services were suspended in Dare and Hyde counties, due to the impacts from the same coastal storm system from November 7, 2021, to November 10, 2021; and

WHEREAS, the existence of and the related damages from the coastal storm constituted 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 (“FHWA”) Emergency Relief program as allowed under 23 U.S.C. § 125 and implemented in 23 C.F.R. § 668 to address the damages from the event; 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 and I have determined that the emergency response requirement exceeded 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 Dare and Hyde Counties.

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").

Section 3.

I delegate to Eddie M. Buffaloe, Jr., 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 Buffaloe, as chief coordinating officer for the State of North Carolina, shall exercise the powers prescribed in N.C. Gen. Stat. § 143B-602.

Section 5.

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 seek reimbursement for costs incurred by the State in responding to this emergency.

Section 6.

I hereby order 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.G.S. § 166A-19.23.

Section 9.

This declaration is effective immediately and shall remain in effect for thirty (30) days or the duration of the emergency, whichever is less.

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 15th day of November in the year of our Lord two thousand and twenty-one.



Roy Cooper
Governor

ATTEST:



Elaine F. Marshall
Secretary of State

