

**SECOND DIRECTIVE ON EMERGENCY MEASURES
TO BE IMPLEMENTED BY THE COUNTY OF VOLUSIA
REGARDING VEHICULAR ACCESS ON THE BEACH FOR
ASSESSMENT AND DEBRIS CLEANUP DUE TO
HURRICANE NICOLE**

Effective Immediately

WHEREAS, Governor DeSantis issued Executive Order No. 22-253 on November 7, 2022, declaring a state of emergency for the entire State of Florida as a result of Subtropical Storm Nicole, which would become Hurricane Nicole;

WHEREAS, on November 7, 2022, Volusia County declared a local state of emergency as a result of Subtropical Storm Nicole, and has extended the local state of emergency;

WHEREAS, on November 9 and 10, Volusia County experienced catastrophic damage and destruction of coastal structures including severe erosion of the beach as a result of Hurricane Nicole and are still at threat for damage due to ongoing erosion of the beach;

WHEREAS, because of the declared state of emergency the County determines that it may be necessary to allow those persons with structures on the beach that may have been damaged or destroyed or are at threat of erosion by Hurricane Nicole to access the beach through approved vehicle ramps for the purpose of surveying, damage assessment, debris removal, and clean-up through temporarily waiving the requirement for a Beaches and Dunes Permit required under Chapter 72, Article III, Division 15 and Chapter 50, Article III, Division 9 of the Code of Ordinances, County of Volusia;

WHEREAS, this Emergency Directive is a response to Hurricane Nicole and does not limit the rights and liberties of individuals and businesses in Volusia County;

NOW, THEREFORE, I, GEORGE RECKTENWALD, as County Manager for the County of Volusia, Florida, and pursuant to the authority vested in me under Section 46-147, Code of Ordinances, County of Volusia, to waive procedures and formalities, Chapter 252, Florida Statutes, as well as that certain County of Volusia Declaration of Local Emergency for Hurricane Ian, dated November 7, 2022, as amended and extended,

I HEREBY ISSUE this First Directive on Emergency Measures:

- The Beaches and Dunes Permit required under Chapter 72, Article III, Division 15 and Chapter 50, Article III, Division 9 is hereby waived for property owners of coastal structures damaged by Hurricane Nicole, and their agents, contractors, and engineers for the purpose of surveying, damage assessment, debris removal, and cleanup. Permits for construction activity are not waived.
- Beach access locations and times shall be through vehicle ramps approved by the County and at times authorized by the County. Volusia County Beach Safety may limit, close, or restrict access if warranted by conditions pursuant to Section 20-176 of the Beach Code or in violation of this Directive.
- Beach access to Natural Beach Management Areas (NBMAs) as provided in the Volusia County Habitat Conservation Plan (HCP) shall be pursuant to the terms of the HCP and with approval of the HCP Monitor and Protected Species Specialist. This Directive shall constitute limited approval for entry by the HCP Coordinator and Protected Species Specialist under Chapter 7 of the HCP. Nothing in this directive shall be deemed a waiver of any requirement of the HCP.
- Nothing in this First Directive shall waive any other federal, state, or local requirement or permit, including those permits required authorized pursuant to Florida Department of Environmental Protection Emergency Final Orders 22-2602, 22-2740, and 22-2816. Violators will be subject to enforcement.
- **THIS DIRECTIVE DOES NOT PERMIT CONSTRUCTION ACTIVITY.** Access Unpermitted activity and construction, including placement of unauthorized materials, by a contractor and/or property owner will be subject to enforcement as a violation of state or local laws, rules, and regulations. Unpermitted activity may result in financial penalties, removal of the unpermitted materials, license revocation, additional prosecution, as well as liability if unpermitted construction damages or destroys adjacent property or County beach approaches. Access to

the beach under this Directive may be revoked for those persons conducting unauthorized activities in violation of this Directive.

Persons accessing the beach under this Directive are advised that unpermitted activity subjects them to financial risk. Those persons seeking temporary or coastal armoring, including placement of materials, beyond the authority of the County to issue should obtain a permit from the Florida Department of Environmental Protection. At this time FDEP permit staff are available in person at 440 S. Beach St., Daytona Beach from 8 a.m. to 5 p.m., Monday – Friday.

This Second Directive will expire on 5:00 p.m. on Wednesday, November 23, 2022, unless extended by a subsequent Emergency Directive.

COUNTY OF VOLUSIA, FLORIDA



George Recktenwald
County Manager

Date: 11/16/22