

Emergency Permitting is Designed to Facilitate the Response to Hurricane Ian

The response to Hurricane Ian (Storm) involves activities requiring authorizations from local, state, and Federal agencies/entities. Due to the declared State of Emergency, alternative permitting procedures are in place to facilitate the response and clean up due to the Storm. Generally, repairs and cleanup are authorized to restore property to pre-Storm conditions but note that respective agencies outline very specific requirements.

The **Florida Department of Environmental Protection** (FDEP) executed an [Amended Emergency Final Order 22-2602](#) (FDEP Order) on September 24, 2022 in response to the Storm. Authority for the FDEP Order was granted by Governor DeSantis' [Executive Order 22-218](#) and [Executive Order 22-219](#) and are set to expire on November 22, 2022 (sixty days after execution) unless otherwise amended, rescinded, or extended. The FDEP Order covers the entire State of Florida

The FDEP Order expedites review and permitting to assist with recovery from damage caused by the Storm. Activities or facilities that generally require permitting or oversight by FDEP are likely covered by the FDEP Order. Some permitting requirements regarding storage and processing of solid waste including storm debris are waived. The FDEP Order covers waste, air resources, water, resiliency, and coastal protection. In some instances, prior notice to FDEP is not required such as the repair of legally existing drainage systems that were not completely destroyed by the Storm. The FDEP Order also allows for Field Authorizations of certain activities such as removal of debris or vessels that require filling wetlands or surface waters. This necessarily requires an inspection by FDEP. Please note that the requirements contained in the FDEP Order are very specific and must be stringently followed.

The various **State Water Management Districts** have also issued Emergency Final Orders in response to the Storm and the Governor's Executive Orders. Emergency Final Orders have been issued in the following water management districts: [South Florida Water Management District](#), [Southwest Florida Water Management District](#), [St. John's River Water Management District](#), and [Suwannee River Water Management District](#). Each of these Emergency Final Orders relate to activities regulated by the various districts.

The **U.S. Army Corps of Engineers** (Corps) issued a [Public Notice](#) outlining emergency permitting procedures related to the Storm. The Corps indicates that most issues may be covered through a Nationwide Permit (NWP). However, if a NWP does not apply the Corps suggests clearly labeling the request "Hurricane Ian" for proper processing.

Prior to taking action that may require authorization from a local, state, or Federal agency, any existing permit should be reviewed in conjunction with the relevant emergency final order. In many instances reporting requirements may be extended. Additionally, timelines for agency approval of pending permits may also be tolled while the State of Emergency exists.

For more information, contact info@llw-law.com.