



State of
North Dakota
Office of the Governor

Doug Burgum
Governor

EXECUTIVE ORDER 2017-01

WHEREAS, unseasonably warm temperatures across the State of North Dakota have accelerated the melt of heavy snowpack and significantly increased the threat of ice jams and overland flooding as runoff reaches streams and rivers; and

WHEREAS, large populations have ignored the November 28, 2016 evacuation order detailed in Governor's Executive Order 2016-08 and the separate eviction order issued by the United States Army Corps of Engineers on November 25, 2016. These populations continue to unlawfully occupy and reside in flood-prone areas of Morton County and Sioux County, adjacent to the Cannonball River, south of the Cantapeta Creek, east of North Dakota Highway 1806 and west of the Missouri River; and

WHEREAS, the aforementioned areas of Morton County and Sioux County routinely experience spring flooding and are historically subject to flash flooding;

WHEREAS, the aforementioned conditions continue to pose a significant health and safety risk and danger to human life, significantly increased by the onset of unseasonably warm temperatures, likelihood ice jams and increased threat of spring flooding; and

WHEREAS, months of accumulated debris, including human waste generated by the populations that have occupied the aforementioned areas of Morton and Sioux Counties pose a significant and increasing environmental threat to the waters of the Missouri River if cleanup and removal efforts are not quickly accelerated and completed before flooding begins; and

WHEREAS, localized runoff and the continued unlawful occupation of the areas in Morton and Sioux Counties have significantly interfered with cleanup efforts. The ongoing cleanup and removal efforts, while meaningful, are insufficient to avert environmental threats based upon present and forecasted conditions; and

WHEREAS, the presence of accumulated waste, abandoned vehicles and unlawful temporary and permanent dwelling structures in this flood-prone area has created significant health and public safety risks as well as environmental hazards, even absent imminent flooding; and

WHEREAS, it is the responsibility of the state to assist the people of North Dakota in addressing the emergencies, disasters, and other hardships that may face the state and its citizens.

NOW, THEREFORE, I, Doug Burgum, Governor of the State of North Dakota, order a mandatory evacuation of all persons occupying and residing in the evacuation area, specifically defined as the areas in Morton and Sioux Counties adjacent to the Cannonball River, under the

proprietary jurisdiction of the United States Army Corps of Engineers. The evacuation area shall remain in effect even if the United States Army Corps of Engineers redefines the prohibited areas.

All persons occupying or residing in the evacuation area are ordered to leave the area no later than 2 p.m. on Wednesday, February 22, 2017.

All persons occupying or residing in the evacuation area shall immediately begin efforts to remove their personal property and possessions from the evacuation area.

All present occupants or residents of the evacuation area who begin efforts to remove their personal property and possessions shall be allowed to return to the area through Tuesday, February 21, 2017 to complete the evacuation process.

This timeline is subject to review and modification based upon updates to the flood forecast by the National Weather Service.

To reduce the threat to public safety, including the risk to life and limb of responders associated with state agencies, law enforcement personnel, emergency service officials and nongovernmental organizations, any emergency and other governmental and nongovernmental services given access to the evacuation area shall be evaluated and approved on a case by case basis by the Superintendent of the Highway Patrol.

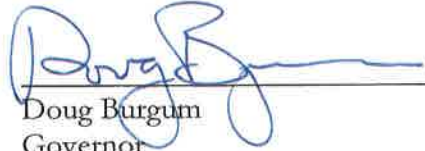
I further direct state agencies and the agencies of the state's political subdivisions to restrict access to the evacuation area to all parties not authorized by the Superintendent of the Highway Patrol, and to work with federal agencies and tribal officials in a cooperative manner to achieve a common goal of addressing the significant health, public safety and environmental hazards existing in the evacuation area.

This order is issued pursuant to the following authority and for the following reasons:

1. The Governor is vested with executive authority pursuant to Article V, Section 1 of the North Dakota Constitution;
2. The Governor is vested with statutory authority to issue executive orders, minimize or avert the effects of a disaster or emergency pursuant to Chapter 37-17.1 of the North Dakota Century Code;
3. The Governor is vested with statutory authority to direct and compel the evacuation of all or part of the population from any stricken or threatened area within the state if necessary to the preservation of life or other disaster or emergency mitigation, response, or recovery pursuant to Section 37-17.1-05(6)(e), North Dakota Century Code; and
4. A coordinated and effective effort of all state departments is required to minimize the impact of disasters and emergencies in this state.

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

Executed at Bismarck, North Dakota, this 15th day of February, 2017.



Doug Burgum
Governor

Attest:



Alvin A. Jaeger
Secretary of State



Deputy Secretary of State - *Special*