



— State of —
North Dakota
Office of the Governor

Doug Burgum
Governor

EXECUTIVE ORDER 2019-03

WHEREAS, recent overland and riverine flooding has caused road closures and evacuations as increased flows and ice jams force water into low-lying areas, threatening homes, businesses and lifeline infrastructure, requiring a rapid response by local and tribal responders statewide; and,

WHEREAS, flooding resulting from ice jams in the Yellowstone and Missouri River Basins of western North Dakota, have led to evacuation of families and livestock, impacting transportation networks and disrupting commerce; and,

WHEREAS, the flood outlook issued by the National Oceanic and Atmospheric Administration's (NOAA's) National Weather Service (NWS) indicates the likelihood of significant river, tributary and overland spring flooding in the Red River of the North and the Devils Lake Basins; and high water in the southern James River Basin; and,

WHEREAS, the threat of impactful snowmelt increased substantially from January to March after a record snowfall in February elevated the threat of Red River flooding from minor to moderate to major; March storms that blanketed eastern North Dakota with heavy wet snow further increased the threat to major and greater levels; and,

WHEREAS, local and tribal jurisdictions are preparing for substantial snowmelt to race across fields and overtop roadways as water moves into ditches and rivers, in anticipation of near record level runoff for the basin; and,

WHEREAS, high levels of fall moisture, deep frost depth, snow water and snow pack have increased the risk for flooding; the risk of runoff is compounded by the presence of saturated and frozen soils, unable to absorb snowmelt; and,

WHEREAS, points along the Red River reflect above normal moisture content; 8.38 inches of moisture in Fargo-Moorhead is 3.7 inches above normal and 7.44 inches of moisture in Grand Forks is 3.2 inches above normal; and,

WHEREAS, twice the normal runoff could elevate Devils Lake within two feet of last year's lake level, to prolong major flooding that has occurred since 1993; and,

WHEREAS, unusually heavy snowpack in the southern James River Basin is expected to create problematic high water as local officials mobilize resources for extended operations; and,

WHEREAS, spring flooding may cause short- or long-term catastrophic losses for livestock producers, inundation of farm lands, and other agricultural losses, constituting serious economic hardship across the state; and,

WHEREAS, the state, local and tribal jurisdictions are mobilizing resources to prepare for flood fight operations; including potential evacuation and rescue operations for isolated rural residents; widespread lifeline and infrastructure interruptions; extensive public and private damages and closures of roads and bridges; and,

WHEREAS, the 2018-2019 winter storm response has required local and tribal jurisdictions to expend public works and emergency funds, presenting serious challenges for financing anticipated flood fight operations.

NOW THEREFORE, Doug Burgum, as Governor of the State of North Dakota, by virtue of the authority vested in Article V, Section 1, North Dakota Constitution and Chapter 37.1, North Dakota Century Code, hereby declares a statewide flood emergency and hereby orders the following:

- A. Activation of the North Dakota State Emergency Operations Plan (SEOP) is hereby ordered, to assist local and tribal officials, alleviate hardships, implement appropriate response and recovery actions and future mitigation measures, and facilitate restoration of services and infrastructure. All state agencies shall maintain high readiness levels of flood response resources and capabilities in preparation for timely execution of their respective responsibilities pursuant to the SEOP.
- B. The Adjutant General is authorized to activate and make available North Dakota National Guard resources to be utilized in preparation of, and in support of, local and tribal governments based upon normal cost share agreements.
- C. Emergency relief pursuant to § 39-12-23 is hereby ordered, pertaining to weight restrictions on state highways and interstates. Load restrictions for non-divisible loads and spring road restrictions for divisible loads for the affected areas and necessary counties may be waived and later reinstated for vehicles necessary for levee construction and other flood fight efforts at the discretion of the North Dakota Department of Transportation Director.


The foregoing is issued pursuant to the following authority and for the following reasons:

1. The Governor is vested with the executive authority pursuant to Article V, Section 1 of the North Dakota Constitution; and,
2. The Governor is vested with statutory authority to issue executive orders to minimize or avert the effects of a disaster or emergency pursuant to Chapter 37-17.1 of the North Dakota Century Code; and,
3. The Governor is vested with statutory authority under North Dakota Century Code Chapter 39-12-23 to permit and prescribe definite excess limitations as to size and

- weight for the operation of motor vehicles in emergencies and to meet unusual conditions for the general welfare of the public; and,
4. A coordinated and effective effort by all state departments and agencies is required to minimize the impact of disasters and emergencies in this state.


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

Executed at Bismarck, North Dakota, this 27 day of March 2019.



Doug Burgum
Governor

Attest:



Alvin A. Jaeger
Secretary of State

Jim Silrum
Deputy Secretary of State