



EXECUTIVE ORDER 2023-04

WHEREAS, the State of North Dakota has experienced a record-breaking snowfall winter season and is facing a delayed snow melt with the potential to result in significant flooding; and,

WHEREAS, areas in eastern North Dakota including Cass, Dickey, Grand Forks, LaMoure, Pembina and Richland counties have issued emergency declarations to address flooding and storm impacts; and,

WHEREAS, flood outlooks issued by the National Oceanic and Atmospheric Administration's National Weather Service indicate the potential for significant river, tributary and overland flooding in the Missouri, James, Sheyenne and Red River basins; and,

WHEREAS, the Accumulated Winter Season Severity Index – a composite index that takes into account temperature and snow data – is in the "extreme" category for most of North Dakota including the cities of Bismarck, Fargo, Grand Forks, Cavalier, Max and Bowman, indicating that only 1% of previous winters in North Dakota have seen worse conditions in those locations than the winter of 2022-2023; and,

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

WHEREAS, continued precipitation, along with melting snowpack, will increase the risk of impacts and damage to transportation infrastructure, public property, private property, sewage systems and water systems; and,

WHEREAS, spring flooding may cause short-term and long-term catastrophic losses for livestock producers, inundation of farmland and agricultural losses resulting in serious economic hardship across the state; and,

WHEREAS, spring flooding will bring additional economic impacts including potential crises for flooded homeowners and producers who have already sustained losses due to drought and past flooding conditions; and,

WHEREAS, state, tribal, county and local agencies have been combating challenging conditions all winter season and expending significant resources to protect life, the environment and property and are now experiencing financial issues because of the continued operations.

NOW THEREFORE, Doug Burgum, as Governor of the State of North Dakota, by virtue of the authority vested under Article V, Section 1, North Dakota Constitution and Chapter 37-17.1, North Dakota Century Code, hereby declares a statewide emergency and orders activation of the North Dakota State Emergency Operations Plan (SEOP) in order to assist local and tribal officials, save lives and prevent injuries, alleviate hardships, implement appropriate response and recovery actions and future mitigation measures, and facilitate restoration of services and infrastructure. All state agencies are ordered to provide response resources and capabilities pursuant to their respective responsibilities detailed in the SEOP. The Adjutant General is further 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.

Emergency relief is further ordered under North Dakota Century Code 39-12-23 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.

This order 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 of all state departments 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 June 30, 2023, or until it is rescinded.

Executed at Bismarck, North Dakota, the 10th day of April, 2023.



Doug Burgum
Governor

Attest:



Michael Howe Secretary of
State