



EXECUTIVE ORDER 2022-05

WHEREAS, the State of North Dakota is facing significant overland and riverine flooding in eastern North Dakota communities within the Sheyenne and Red River basins; and

WHEREAS, the city of Valley City as well as Grand Forks, Barnes, Steele and Trail counties have issued emergency declarations to address flooding and other storm damage;

WHEREAS, the spring storm of April 22-24, 2022, caused significant damage to infrastructure across the entire State including but not limited to roads, culverts, bridges and power poles and lines;

WHEREAS, flood outlooks issued by the National Oceanic and Atmospheric Administration's (NOAA's) National Weather Service (NWS) indicate significant river, tributary and overland flooding in the Sheyenne and Red River basins; and

WHEREAS, NWS reports as of April 24, 2022, show up to 8 inches of precipitation over the past 14 days, which greatly exceeds normal amounts, and is at least a 600 percent departure from normal; and

WHEREAS, spring flooding will compound economic hardships for agricultural producers who have already withstood catastrophic losses due to the long-term and enduring drought conditions; and

WHEREAS, the State of North Dakota initiated a Whole Community approach as early as January, mobilizing public and private partners to prepare for potential spring flooding; and

WHEREAS, these partners collaborated on a broad-based communications strategy, educating the public about the potential flood threat and urging preparedness measures by residents; and

WHEREAS, the State and local jurisdictions are mobilizing resources for flood fight operations; potential evacuation and rescue operations; isolation of rural residents; widespread lifeline and infrastructure interruptions; extensive public and private damages; and closures of roads and bridges; and

WHEREAS, the April 12-14, 2022, record-breaking winter storm forced 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 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, to include the North Dakota National Guard, are ordered to provide response resources and capabilities pursuant to their respective responsibilities detailed in the SEOP. I further authorize the Adjutant General 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.

I further order the same emergency relief under North Dakota Century Code 39-12-03 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, power restoration 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, 2022, or until it is rescinded.

Executed at Bismarck, North Dakota, the 25th day of April, 2022.



Doug Burgum
Governor

Attest:



Alvin A. Jaeger Secretary
of State