



State of
North Dakota
Office of the Governor

Jack Dalrymple
Governor

Executive Order 2016-08

WHEREAS, Morton County is currently experiencing severe winter weather storm conditions, and it is anticipated harsh winter conditions will continue until next spring; and

WHEREAS, winter conditions have the potential to endanger human life, especially when they are exposed to these conditions without proper shelter, dwellings, or sanitation for prolonged periods of time; and

WHEREAS, large populations have chosen to stay in areas of Morton County managed by the United States Army Corps of Engineers south of the Cantapeta Creek and the Cannonball River (The areas include the confluence with Cantapeta Creek east, east of North Dakota Highway 1806, north of the Cannonball River, and west of the Missouri River) in tents, vehicles, temporary and semi-permanent structures which have not been inspected and approved by Morton County as proper dwellings suitable for winter habitation; and

WHEREAS, the aforementioned areas of Morton County are not zoned for dwellings suitable for living in winter conditions, and also do not possess proper permanent sanitation infrastructure to sustain a living environment consistent with proper public health; and

WHEREAS, the United States Army Corps of Engineers has ordered the aforementioned area of Morton County which they manage to be vacated due to public safety concerns related to the inability to effectively provide emergency, medical, fire response services, and law enforcement services; and

WHEREAS, it is the responsibility of the state to assist citizens and visitors to North Dakota in addressing the emergencies, disasters, and other hardships that may face the state, its citizens and visitors, to include issuance of orders in the best interest of public safety.

NOW, THEREFORE, I, Jack Dalrymple, Governor of the State of North Dakota, order a mandatory evacuation of all persons located in areas under the proprietary jurisdiction of the United States Army Corps of Engineers located in Morton County, and defined as a prohibited area in Exhibit A of the United States Army Corps of Engineers memorandum provided to the Morton County Sheriff on November 25th, 2016 and attached to this order. This definition of the evacuation area shall remain in effect even if the United States Army Corps of Engineers redefines or removes these prohibited areas. These persons are ordered to leave the evacuation area immediately, and are further ordered not to return to the evacuation area.

All persons in the evacuation area shall take all their possessions with them upon their evacuation.

Any action or inaction taken by any party which encourages persons to enter, reenter, or remain in the evacuation area will be subject to penalties as defined in law.

I direct state agencies, emergency service officials, and nongovernmental organizations to reduce threats to public safety by not guaranteeing the provision of emergency and other governmental and nongovernmental services in the evacuation area, unless otherwise approved on a case by case basis by the Morton County Sheriff or Superintendent of the Highway Patrol. The general public is hereby notified that emergency services probably will not be available under current winter conditions.

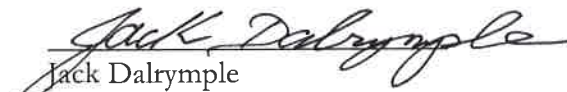
Any person who chooses to enter, reenter, or stay in the evacuation does so at their own risk, and assumes any and all corresponding liabilities for their unlawful presence and occupation of the evacuation area.

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 by Section 37-17.1-05(6)(e), N.D.C.C. with authority to direct and compel the evacuation of all or part of the population from any stricken or threatened area within the state if the governor deems this action necessary for the preservation of life or other disaster or emergency mitigation, response, or recovery; and
4. A coordinated and effective effort of all state departments is required to minimize the impact of disasters and emergencies in this state.

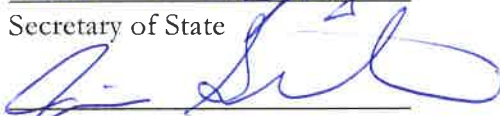
This order is effective immediately, and it shall remain in effect until rescinded.

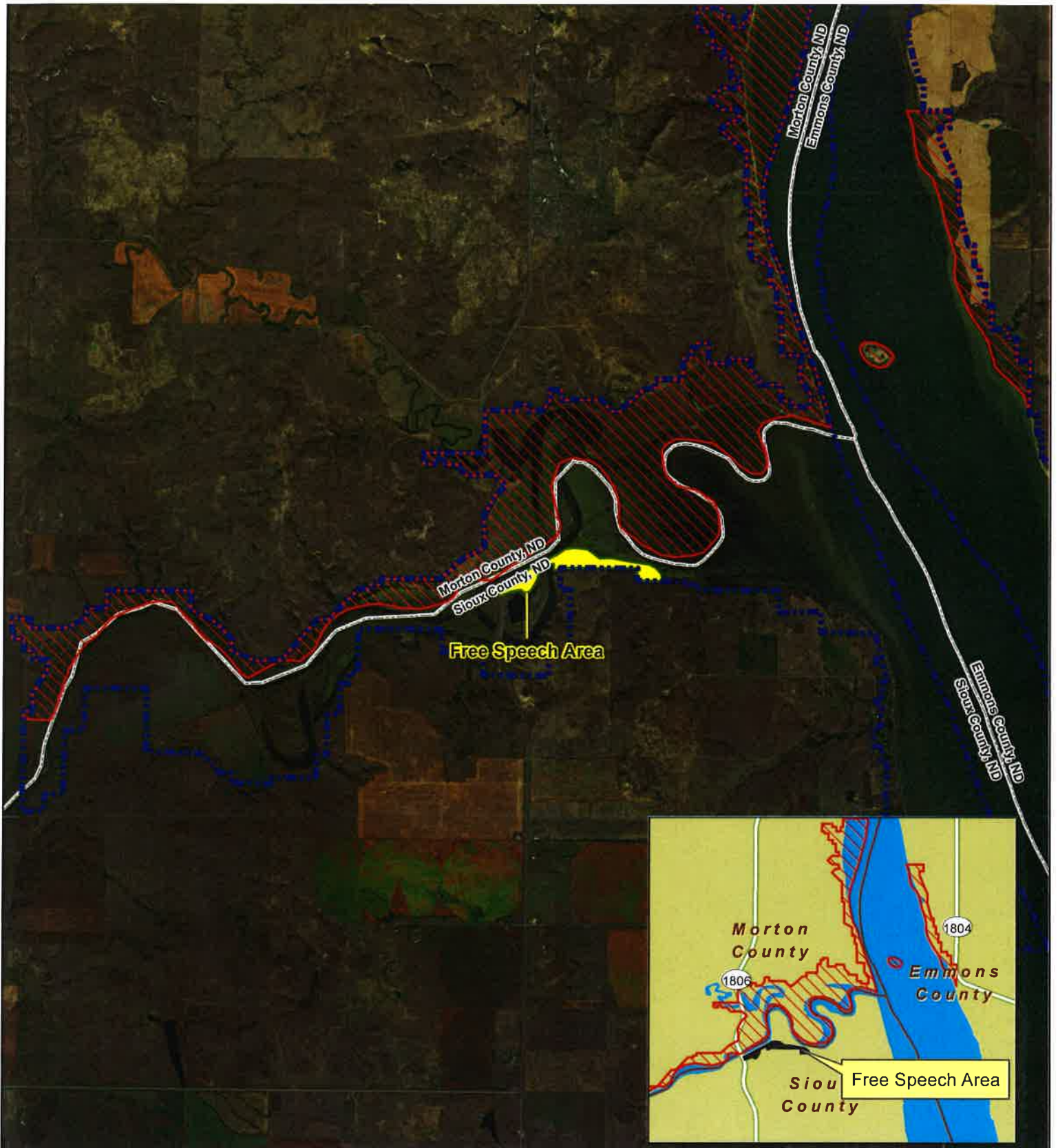
Executed at Bismarck, North Dakota, this 28th day of November, 2016.


Jack Dalrymple
Governor

ATTEST:


Secretary of State


Deputy



Oahe Dam and Reservoir Free Speech Area



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- Legend**
- USACE Project Boundary (Fee)
 - Free Speech Area (±41.34 Acres)
 - Prohibited Area
 - Counties



Exhibit "A"

Date: 21-November-2016

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