



EXECUTIVE ORDER NO. 79-28

Relating to the Construction and
Reconstruction of Dikes Along the Red River

I, Albert H. Quie, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

WHEREAS, Minnesota Statutes, Chapter 104 and Section 105.42, require that authorizations be obtained from state and local government prior to the construction of levees and dikes within the designated floodplains of Minnesota rivers and streams; and,

WHEREAS, a series of agricultural levees along the Red River of the North in Minnesota have been constructed without appropriate authorizations, and during the flooding this past spring, the agricultural levees were overtopped and breached at various locations; and,

WHEREAS, extensive agricultural levees have also been constructed on the North Dakota side of the Red River, without authorization according to North Dakota law; and,

32214

WHEREAS, these levees and future levees on both sides of the river constructed in an arbitrary fashion tend to pose the possibility of adverse impacts on the area; and,

WHEREAS, the Governor of North Dakota and I agree that it is necessary to develop a uniform means of dealing with this activity in the best interests of the states and to prohibit the reconstruction of any existing dikes, or the construction of any new dikes until uniform rules for dike construction are adopted by both states; and,

WHEREAS, we have set August 15th as the deadline for this effort;

NOW, THEREFORE, I order:

1. That the Commissioner of Natural Resources take immediate enforcement action against any individual who initiates reconstruction of any existing dike, or construction of any new dike, in Minnesota without compliance with the law.
2. That the Commissioner of Natural Resources immediately dedicate necessary staff personnel to meet with their state of North Dakota counterparts to adopt uniform rules concerning the construction of new dikes along the Red River.
3. That the Commissioner of Natural Resources immediately dedicate necessary staff personnel to meet with their state of North Dakota counterparts to negotiate procedures for addressing the issue of existing dikes along the Red River and proposals for their reconstruction.

4. That the efforts set out in items 2 and 3 be completed no later than August 15, 1979, at which time the results and conclusions shall be presented at a joint meeting between the Governors of Minnesota and North Dakota.
5. That the Commissioner of Natural Resources immediately dedicate staff personnel to cause an inventory and analyses to be made of existing dikes in Minnesota along the Red River.
6. That in implementing this Executive Order, the Commissioner of Natural Resources shall consult with and seek the advice of the Lower Red River Water Management Board.
7. That the agreement between the North Dakota State Water Commission and the Minnesota Department of Natural Resources shall be amended in a manner deemed appropriate.

Pursuant to Minnesota Statutes 1978, Section 4.035, this order shall be effective 15 days after its publication in the State Register and filing with the Secretary of State and shall remain in effect until it is superseded or rescinded by proper authority or it expires in accordance with Minnesota Statutes 1978, Section 4.035.

IN TESTIMONY WHEREOF, I hereunto set my hand this 20 day of
June 1979.

Albert H. Quie

Albert H. Quie, Governor

Filed according to Law:

Joan Anderson Grove
Joan Anderson Grove
Secretary of State

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUN 21 1979

Joan Anderson Grove
Secretary of State

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUN 21 1979

Joan Anderson Grove
Secretary of State

4-32214