

**STATE OF MONTANA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NO. 5-2017**

**EXECUTIVE ORDER DECLARING A DROUGHT EMERGENCY TO EXIST WITHIN
CERTAIN COUNTIES AND INDIAN RESERVATIONS IN THE STATE OF MONTANA**

WHEREAS, since on or about April 1, 2017, a widespread and sustained abnormally dry weather pattern has created worsening drought conditions in eastern and central Montana due to a lack of soil moisture and precipitation, including moderate to severe conditions in nineteen Montana counties and the Fort Peck Indian Reservation and Fort Belknap Indian Reservation;

WHEREAS, projected short and long-range weather forecasts are not expected to alleviate these drought conditions, which currently indicate soil moistures between five and twenty-five percent of normal in affected regions;

WHEREAS, these drought conditions continue to cause significant and widespread damage to agricultural crops, including livestock forage, forcing Montana's farmers and ranchers to suffer economic hardships;

WHEREAS, fuel moistures across forest and range acreages in northeast Montana, including those acreages enrolled in conservation reserve programs, are approaching record low levels, increasing the probability of fire warranting the pre-positioning of fire severity suppression resources in northeast Montana due to high fire danger;

WHEREAS, in response to these conditions and continued economic losses incurred by citizens in their communities, elected officials from Daniels, Dawson and Roosevelt counties and the Fort Peck Tribes have petitioned the Governor of the State of Montana to seek a Drought Designation from the United States Secretary of Agriculture in order to foster federal financial relief and allow for haying and grazing of conservation reserve program lands;

WHEREAS, pursuant to Mont. Code. Ann. §§ 10-3-104 and 10-3-302, the Governor has authority to declare an emergency when there is an imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or manmade causes including drought, and may suspend the provisions of any agency rule, requirement, or standard if strict compliance would prevent, hinder, or delay necessary action in coping with the emergency;

WHEREAS, the availability and use of all necessary state government services, equipment and supplies under this declaration will further the efforts to protect the natural and agricultural resources and economic interests of the people of the State of Montana; and

WHEREAS, relieving “hours of service” requirements for commercial motor carrier vehicles in Montana, provided for in Mont. Code Ann. § 61-10-154 and A.R.M. § 18.8.1502, will assist Montanans by reducing restrictions on the transport of livestock, forage, water, and agricultural implements.

NOW, THEREFORE, I, STEVE BULLOCK, Governor of the State of Montana, pursuant to the authority vested in me under the Constitution and the laws of the State of Montana, Title 10, Chapter 3, Mont. Code Ann., and under other applicable statutes, do hereby declare a drought emergency as defined in Mont. Code Ann. §§ 10-3-103 and 10-3-302, to exist within Blaine, Carter, Custer, Daniels, Dawson, Fallon, Garfield, Hill, McCone, Petroleum, Phillips, Powder River, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Valley, and Wibaux Counties and the Fort Peck Indian Reservation and Fort Belknap Indian Reservation, and order as follows:

1. The Directors of the Montana Departments of Agriculture, Livestock, and Natural Resources and Conservation shall compel maximum employee assistance and cooperation with any agent of the United States Department of Agriculture engaged in collecting information related to drought impacts to include soil conditions, loss of crops and forage, and impacts to livestock producers, for the purpose of securing timely economic assistance;
2. The Director of the Montana Department of Transportation may temporarily suspend “hours of service” regulations, as provided in A.R.M. 18.8.1502 (incorporating by reference 49 C.F.R. part 395), as they apply to drivers of commercial vehicles while transporting livestock, forage, water, and agricultural implements.

In addition, baled livestock feed with a destination within the nineteen drought-affected counties or Indian Reservations listed in this Order shall be allowed to be transported during daylight hours and at night two hours before sunrise and two hours after sunset, in vehicles up to 12 feet in width and 15 feet in height and that exceed the statutory limits of weight by 20 percent, provided that the manufactures’ rated capacity for the vehicle, axle or tires is not exceeded, on all highways in the state except those that are part of the federal aid interstate system.

Commercial vehicle carriers, while under this Order, may not require or allow fatigued drivers to operate a motor vehicle;

3. The Directors of other Departments of the State of Montana shall fully cooperate with these efforts; and
4. The Governor’s Drought and Water Supply Committee shall continue to assess drought conditions and impacts and make recommendations regarding further actions that would protect the welfare of the citizens of the State of Montana.

This Order is effective immediately.

GIVEN under my hand and the GREAT SEAL of
the State of Montana this 23rd day of
June, 2017.





STEVE BULLOCK, Governor

ATTEST:



COREY STAPLETON, Secretary of State
BY: JEFFREY HENDSON, DEPUTY

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