

**STATE OF MONTANA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NO. 11-2021**

**EXECUTIVE ORDER PROCLAIMING A STATEWIDE DROUGHT EMERGENCY
IN THE STATE OF MONTANA**

WHEREAS, since December 1, 2020, a widespread and sustained abnormally warm and dry weather pattern has created worsening drought conditions in eastern, central, and southwest Montana due to a lack of soil moisture and precipitation, including moderate to extreme conditions in 69% of the state, including 48 counties and six reservations, with extreme conditions in 16% of the state, including the Fort Peck Tribal Nation, and 14 counties; and

WHEREAS, a lack of snow cover on the eastern plains, and warmer than normal weather and windy conditions melted much of the late October and early November snowfall, and increased evaporation reduced soil moisture even further; and

WHEREAS, projected short- and long-range weather forecasts through at least July 31, 2021, are not expected to alleviate these drought conditions, and predictions are that they may worsen. As of June 30, 2021, the 8-14 day outlook as well as the experimental 3-4 week outlook from the Climate Prediction Center both show a higher than normal probability of below normal precipitation and above normal temperatures through July 23, 2021; and

WHEREAS, soil moisture at the four-inch, eight-inch and 20-inch levels are less than 25% in the affected regions; and

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; and

WHEREAS, these drought conditions have the potential to cause great economic hardship for industries and services in Montana that rely on water; and

WHEREAS, drought conditions and low fuel moistures have already led to an increase in the number and acreage of rangeland fires in central and eastern Montana since January 1, 2021, which have led to multiple burn bans, Stage I and Stage II fire restrictions in the region; and

WHEREAS, fuel moistures across forest and range acreages in Montana, including those acreages enrolled in conservation reserve programs, are approaching record low levels which has increased the probability of ignition. Rates of spread in these fuels have resulted in the early pre-positioning of fire suppression resources in Montana due to elevated fire danger; and

WHEREAS, pursuant to § 10-3-104 and 10-3-303, MCA, the Governor has authority to proclaim 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, may spend funds to meet the needs that arise from this emergency pursuant to § 10-3-312, MCA, 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; and

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

WHEREAS, relieving certain requirements for commercial motor carrier vehicles in Montana will assist Montanans by reducing restrictions on the transport of forage, water, and agriculture implements, including those requirements provided in §§ 61-10-154, 61-10-121, 61-10-211, 15-70-456, MCA, and A.R.M. § 18.8.1502.

NOW, THEREFORE, I, GREG GIANFORTE, 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, MCA, and under other applicable statutes, do hereby declare a statewide drought emergency as defined in § 10-3-103 and 10-3-303, MCA, and order as follows:

1. The Directors of the Montana Departments of Agriculture, Livestock, and Natural Resources and Conservation 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. In accordance with the A.R.M. § 18.8.1502 and Federal Motor Carrier Safety Administration (“FMCSA”) Title 49 C.F.R. § 390.23(a)(1), Title 49 C.F.R §§ 390-399 are hereby suspended for motor carriers and persons operating commercial vehicles while providing direct support.

All other applicable state and federal regulations shall continue to apply, including but not limited to: Title 49 C.F.R. Part 382, Controlled Substances and Alcohol Use and Testing; Title 49 C.F.R. Part 383 Commercial Driver's License Standards; the federal Minimum Levels of Financial Responsibility (insurance requirements) Title 49 C.F.R. Part 387; and adherence to the regulations governing the Transportation of Hazardous Materials as provided Title 49 C.F.R. § 397 and C.F.R. Parts: 107, 171-173, 177, 178 and 180.

Motor carriers shall not require or allow fatigued drivers to operate a commercial motor vehicle. A driver who informs a carrier that he/she needs immediate rest shall be given at least 10 consecutive hours before the driver is required to return to service.

Motor carriers or drivers currently subject to an out-of-service order are not eligible for the relief granted by this declaration until they have met the applicable conditions for its rescission and the order has been rescinded by FMCSA in writing.

Vehicles operating in excess of legal size and weight shall require oversize/overweight permits. In accordance with § 61-10-111, MCA, A.R.M. 18.8.509 is temporarily suspended to allow weekend, nighttime, and holiday travel statewide for over-dimensional and overweight vehicles while providing direct support. During nighttime hours on non-interstate highways, loads exceeding 10 feet wide will need a front pilot vehicle.

Temporary registration and temporary fuel permits normally required under A.R.M. § 18.8.422 for commercial vehicles while providing direct support are temporarily suspended.

In accordance with § 61-10-111, MCA, and other applicable statutes, applicable farm vehicles in Montana and are exempt from the 20 percent limits of § 61-10-144(3), MCA, and authorize the operation of vehicles on non-interstate highways is authorized without incurring excess weight penalties under § 61-10-145, MCA, if the total gross weight of the combination, each axle, or axle group does not exceed allowable weight limitations by more than 30 percent.

In accordance with § 61-10-111, MCA, and other applicable statutes, applicable vehicles in Montana are exempt from the 10 percent limits of § 61-10-144(2), MCA, and the operation of vehicles on non-interstate highways is authorized without incurring excess weight penalties under § 61-10-145, MCA, if the total gross weight of the combination, each axle, or axle group does not exceed allowable weight limitations by more than 20 percent; and

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 July 1, 2021.



GIVEN under my hand and the GREAT SEAL of the State of Montana this 15th day of July, 2021.

A handwritten signature in blue ink, appearing to read "Greg Gianforte", is written over a horizontal line.

GREG GIANFORTE, Governor

ATTEST:

A handwritten signature in blue ink, appearing to read "Christi Jacobsen", is written over a horizontal line.

CHRISTI JACOBSEN, Secretary of State