WHEREAS, the federal Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), and the Montana Comprehensive Environmental Cleanup and Responsibility Act ("CECRA") allow states as trustees for natural resources to recover monetary damages for injuries to natural resources caused by releases of hazardous substances;

WHEREAS, in 1983 the State of Montana ("State"), pursuant to its role as trustee, filed suit in federal court against the Atlantic Richfield Company ("ARCO") alleging that the company is liable for injury to the natural resources of the Upper Clark Fork River Basin;

WHEREAS, in 1999 the United States District Court for the District of Montana approved a partial settlement of Montana v. ARCO that resulted in the State obtaining, among other awards, an approximate additional $72.5 million in natural resource damages as a complete and final settlement of the State's natural resource damages claims against ARCO;

WHEREAS, local officials and citizens in the Upper Clark Fork River Basin desire the opportunity for input concerning how the monetary damages recovered by the State as a result of this lawsuit will be used;

WHEREAS, CERCLA requires that natural resource damages be used only to restore, replace, or acquire the equivalent of the injured natural resources that are the subject of the litigation;

WHEREAS, in addition to the natural resource damages litigation involving the Upper Clark Fork River, the Montana Department of Environmental Quality has worked with the United States Environmental Protection Agency under cooperative agreements that provide funding to the State and define state and federal agency roles for directing the remediation of various operable units (management/administrative units) within the Upper Clark Fork River Basin National Priority List sites, as authorized under CERCLA; and

NOW, THEREFORE, I, STEVE BULLOCK, Governor of the State of Montana, pursuant to
the authority vested in me under the Constitution of the State of Montana, § 2-15-122, MCA, and
under other applicable statutes, do hereby continue the Upper Clark Fork River Basin
Remediation and Restoration Advisory Council (hereinafter, “Council”) as provided in this
Executive Order.

PURPOSE:

The purpose of the Council is to advise the Governor as trustee of the State’s natural resources
pursuant to CERCLA and CECRA with respect to issues involving restoration, replacement, or
acquisition of the equivalent of the injured natural resources that were the subject of the litigation
in the Upper Clark Fork River Basin, including the use of the funds that were recovered from
settlement of the litigation. The Council shall:

- work with and advise the Natural Resource Damage Program as the Program implements
  or revises the Upper Clark Fork River Basin Aquatic and Terrestrial Resources
  Restoration Plans, and the Groundwater Resources Restoration Plans prepared by Butte-
  Silver and Anaconda Deer Lodge counties, and implements any drafts of previous annual
  restoration work plans and any modification of the Restoration Plan Procedures and
  Criteria;
- advise the Governor as trustee as to the use of the funds that were recovered through the
  settlement in accordance with the Governor’s restoration plans and as otherwise provided
  by law;
- establish a procedure for receiving input from and sharing information with the public
  and the various interested agencies; and
- advise the Upper Clark Fork River Basin Trustee Restoration Council (consisting of the
  Governor's Chief of Staff, the Directors of the Departments of Environmental Quality,
  Fish, Wildlife and Parks, and Natural Resources and Conservation, the Chair of the
  Upper Clark Fork River Basin Remediation and Restoration Advisory Council, and the
  Attorney General, serving as a non-voting advisor to the Upper Clark Fork River Basin
  Trustee Restoration Council). The advice of the Council will not be considered to the
  exclusion of input of other interested individuals or groups. The existence of and advice
given by the Council does not in any way diminish the powers of the governor as trustee
of the State’s natural resources pursuant to CERCLA and CECRA, nor is any advice of
the Council intended to bind the State in any litigation or related negotiations.

The Council may adopt procedures related to its interface with the Natural Resource Damage
Program and other matters that fall within its purpose, as set forth above. The Council’s
procedures may not conflict with law or any court order, and any procedures adopted by the
Council must be approved by the Governor.

COMPOSITION:

The Council will consist of up to 10 voting members and up to 3 non-voting members
representing the interests of the natural resource damage area in the Upper Clark Fork River
Basin, as follows:
1. Citizen Voting Members. The Council will consist of eight citizen members, appointed by the Governor, who are residents of Deer Lodge, Granite, Missoula, Powell and Silver Bow counties ("counties")—the counties which comprise the Upper Clark Fork River Basin.

2. Federal and Tribal Government Voting Members. The Council will also include a representative of the Confederated Salish and Kootenai Tribes, designated by the Tribal Chair, and a representative of the United States Department of the Interior, designated by the Secretary of the Interior.

3. State Government Non-Voting Members. The Council’s non-voting members will include:

   • Director of the Department of Environmental Quality, or the Director’s designee;
   • Director of the Department of Fish, Wildlife and Parks, or the Director’s designee;
   and
   • Director of the Department of Natural Resources and Conservation, or the Director’s designee.

The Governor shall appoint a chair from among the Council’s citizen voting members, and the Natural Resource Damage Program will provide technical and administrative support for the Council. The appointees serve at the pleasure of the Governor.

The names of the Council members are submitted by separate letter to the Secretary of State.

DURATION:

This Executive Order is effective retroactively to September 10, 2017. The Council shall expire or be renewed by September 1, 2019.

GIVEN under my hand and the GREAT SEAL of the State of Montana this ___ day of ____________, 2018.

STEVE BULLOCK, Governor

ATTEST:

COREY STAPLETON, Secretary of State