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State of Montana
Office of the Governor



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Executive Order No. 9-98

EXECUTIVE ORDER AUTHORIZING INCIDENT RESPONSE
AUTHORITY IN THE STATE OF MONTANA

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WHEREAS, on May 5, 1998, a leak was discovered in the face of Tin Cup Dam, located in Ravalli County and within the Selway-Bitterroot Wilderness Area of the Bitterroot National Forest; and

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WHEREAS, 16 residences and US Highway 93 near the Town of Darby, Ravalli County, are located below the dam and within the projected inundation area; and

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WHEREAS, the Bitterroot National Forest declared an emergency to allow for emergency repairs to be made within the wilderness area; and

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WHEREAS, emergency repairs effected by Tin Cup Water Company were unsuccessful in reducing the risks of dam failure; and

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WHEREAS, recent heavy rains in the area are causing inflows to the reservoir that exceed emergency out-flows for the reservoir; and

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WHEREAS, the Department of Natural Resources and Conservation, Dam Safety Bureau officials and the USDA Forest

1 Service agree that there is now an imminent threat to life and
2 property below Tin Cup Dam; and

3 WHEREAS, on May 26, 1998, Ravalli County commissioners
4 declared a local emergency to exist and have activated their
5 emergency operations plan; and

6 WHEREAS, the availability and utilization of necessary
7 state government services, equipment and supplies under this
8 proclamation will further efforts to protect health and safety
9 and to preserve the lives, property and resources of the people
10 of the State of Montana; and

11 WHEREAS, a proclamation of an "incident", as that term is
12 defined in Section 10-3-103(7), MCA, signifies the occurrence of
13 an event that requires action by disaster and emergency services
14 personnel to prevent or minimize loss of life or damage to
15 property or natural resources, and section 10-3-310, MCA,
16 authorizes the Governor to expend funds from the general fund
17 for costs associated with an "incident".

18 NOW, THEREFORE, I, MARC RACICOT, Governor of the State of
19 Montana, pursuant to the authority vested in me as Governor
20 under the Constitution of the State of Montana, Title 1-,
21 Chapter 3, MCA, and under other applicable statutes, do hereby
22 activate the State Emergency Operations Plan, effective May 28,
23 1998.

24 GIVEN under my hand and the GREAT
25 SEAL of the State of Montana,
this 13th day of June, 1998.

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28 MARC RACICOT, Governor

26 ATTEST:

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MIKE COONEY, Secretary of State