

OCT 30 2017

OKLAHOMA SECRETARY
OF STATE

Mary Fallin
Governor

EXECUTIVE DEPARTMENT
EXECUTIVE ORDER 2017-33

I, Mary Fallin, Governor of the State of Oklahoma, pursuant to the power vested in me by Oklahoma Constitution Article VI Sections 1, 2, and 8, of the Oklahoma Constitution, hereby approve the State Mitigation Trust created, among other States, for the benefit of the State of Oklahoma in the lawsuit entitled, *In Re Volkswagen "Clean Diesel" Marketing, Sales Practices and Products Liability Litigation*, MDL Case No. 2672 CRB (JSC) referred to herein as the "MDL 2672," and arising out of *United States v. Volkswagen AG et al.*, Case No. CV-295 (N.D. Cal.).

As explanation, on October 25, 2016, the Court entered a Partial Consent Decree ("First Partial Consent Decree"), MDL No. 2672(JSC) (Dkt. No. 2103-1), among Volkswagen AG, Audi AG, Volkswagen Group of America, Inc., and Volkswagen Group of America Chattanooga Operations, LLC (collectively, the "Settling Defendants"), the United States, and the State of California.

In that case, on May 17, 2017, the Court also entered a Second Partial Consent Decree (Dkt. No. 3228-1) among the Settling Defendants, Dr. Ing. h.c. F. Porsche AG, and Porsche Cars North America, Inc. (collectively, the "Defendants"), the United States, and the State of California. Pursuant to the First Partial Consent Decree and the Second Partial Consent Decree, the Defendants and Wilmington Trust, N.A. (the "Trustee"): (1) entered into said Environmental Mitigation Trust Agreement for State Beneficiaries (i.e., for the 50 States, Puerto Rico, and the District of Columbia) (hereinafter, the "State Trust Agreement") and established the environmental mitigation trust described in the State Trust Agreement (the "State Mitigation Trust" or "State Trust"); and (2) concurrently entered into a separate Environmental Mitigation Trust Agreement for Indian Tribe Beneficiaries (i.e., for federally-recognized Indian Tribes) (hereinafter, the "Indian Tribe Trust Agreement") and established the environmental mitigation trust described in that agreement ("Indian Tribe Mitigation Trust" or "Indian Tribe Trust").

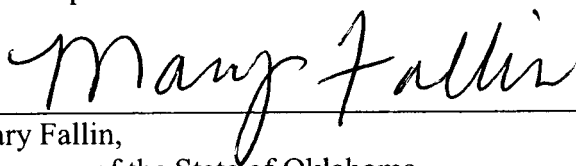
The Settling Defendants and the Trustee acknowledged in the State Trust Agreement that the purpose of the State Mitigation Trust and the Indian Tribe Mitigation Trust is to fulfill the Settling Defendants' environmental mitigation obligations to the states and to the Tribes, under the First Partial Consent Decree and the Settling Defendants' environmental mitigation obligations under the Second Partial Consent Decree.

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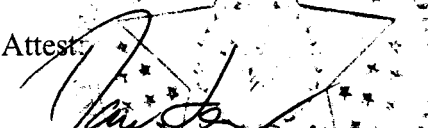
Therefore, in accepting the Consent Decree and State Trust Agreement recited above, I, Mary Fallin, Governor of the State of Oklahoma, pursuant to the power and authority vested in me by Sections 1, 2, and 8 of Article VI of the Oklahoma Constitution, hereby order the following with respect to the State Trust Agreement and the State Mitigation Trust:

1. On October 30, 2017, I, as the Chief Executive Officer of the State of Oklahoma, certify the beneficiary status of the State of Oklahoma to the State Mitigation Trust, thereby making the State of Oklahoma a Beneficiary to the State Mitigation Trust, as defined in Section 1.1 of the State Trust Agreement.
2. I hereby designate the Oklahoma Department of Environmental Quality (“ODEQ”) as the Lead Agency (hereinafter, “Lead Agency”) within the meaning of the State Trust Agreement, as that term of art is described in paragraph 4.2.1 of the State Trust Agreement.
3. I direct that the Lead Agency, as designated by me, shall coordinate its duties under the Trust under the direction and supervision of the Cabinet Secretary of Energy and Environment (“SOEE”) or successor cabinet position having authority over the ODEQ (hereinafter, “Cabinet Secretary”), in the creation and implementation of the State of Oklahoma’s Beneficiary Mitigation Plan (“Plan”).
4. I further direct that the Lead Agency shall prepare and implement the Plan, as required by and in accordance with the State Trust Agreement as set forth in Section 4.1. Prior to submission of the Plan, the Lead Agency shall present the plan to the Cabinet Secretary for approval.
5. I further direct that the Lead Agency shall work with stakeholders and the general public to solicit projects eligible for funding under the terms of the State Trust Agreement to develop Eligible Mitigation Actions as this term is defined in Section 1.9 of the State Trust Agreement. Prior to submittal of all Eligible Mitigation Action Funding Requests to the Trustee, the Lead Agency shall submit these requests for approval to the Cabinet Secretary. The Lead Agency shall maintain a public-facing website for the purpose of publishing required documents pursuant to the State Trust Agreement.

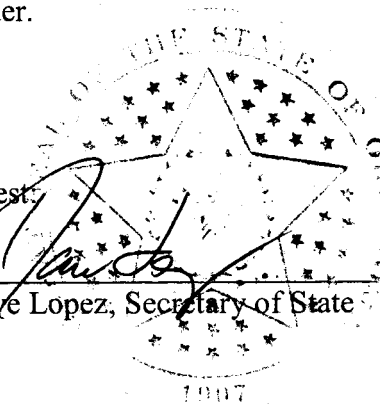
This Executive Order shall be distributed to all members of the Governor’s Executive Cabinet and the chief executives of all State Agencies for implementation consistent with this Executive Order.



Mary Fallin,
Governor of the State of Oklahoma

Attest:


Dave Lopez, Secretary of State



The seal of the State of Oklahoma is circular, featuring a five-pointed star in the center. The words "GREAT SEAL OF THE STATE OF OKLAHOMA" are inscribed around the perimeter of the seal. The year "1907" is visible at the bottom of the seal.