

BEFORE THE DEPARTMENT OF FISH, WILDLIFE AND PARKS  
OF THE STATE OF MONTANA

In the matter of the adoption of	)	NOTICE OF ADOPTION OF
emergency rules closing Sha-Ron	)	EMERGENCY RULES
Fishing Access Site, Kelly Island	)	
Fishing Access Site, Kona Bridge	)	
Fishing Access Site, Harper's Bridge	)	
Fishing Access Site, Deep Creek	)	
Fishing Access Site, and Council	)	
Grove State Park in Missoula County	)	

TO: All Concerned Persons

1. The Department of Fish, Wildlife and Parks (department) has determined the following reasons justify the adoption of emergency rules:

(a) The Incident Command for the Missoula 2018 Flood requested Montana Department of Fish, Wildlife and Parks close the above-listed sites due to risk to public health and human safety caused by flooding due to high river flows. The combination of dangerous conditions includes high water levels choked with woody debris, rapidly changing water levels, flooded roadways that have become unsafe for vehicle and pedestrian travel, and fast flowing water through flooded trees, underbrush, and site structures.

(b) Persons recreating in the flooded portions of the sites are at risk of:

(i) drowning due to unexpected changes to topography obscured by flood waters; or

(ii) drowning due to swift current created by flood water.

(c) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, and this threat cannot be averted or remedied by any other administrative act, the department adopts the following emergency rules. The emergency rules will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closures will be posted at access points. The rules will be sent to interested parties, and published as emergency rules in Issue No. 10 of the 2018 Montana Administrative Register.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of the notice. If you require an accommodation, contact the department no later than 5:00 p.m. on June 8, 2018, to advise us of the nature of the accommodation that you need. Please contact Kaedy Gangstad, Fish, Wildlife and Parks, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-4594; or e-mail kgangstad@mt.gov.

3. The emergency rules are effective May 10, 2018, when this rule notice is filed with the Secretary of State.

4. The text of the emergency rules provides as follows:

NEW RULE I SHA-RON FISHING ACCESS SITE EMERGENCY CLOSURE

- (1) The Sha-Ron Fishing Access Site is located in Missoula County.
- (2) Shar-Ron Fishing Access Site is closed to all public occupation and recreation as signed.
- (3) This rule is effective as long as water is flooding the fishing access site.
- (4) This rule will expire as soon as the department or incident command determines the fishing access site is again safe for occupation and recreation. This will depend on the extent and duration of the flooding in the area. Signs closing the fishing access site will be removed when the rule is no longer effective.

AUTH: 2-4-303, 23-1-106, 87-1-202, MCA

IMP: 2-4-303, 23-1-106, 87-1-202, MCA

NEW RULE II KELLY ISLAND FISHING ACCESS SITE EMERGENCY CLOSURE

- (1) The Kelly Island Fishing Access Site is located in Missoula County.
- (2) Kelly Island Fishing Access Site is closed to all public occupation and recreation as signed.
- (3) This rule is effective as long as water is flooding the fishing access site.
- (4) This rule will expire as soon as the department or incident command determines the fishing access site is again safe for occupation and recreation. This will depend on the extent and duration of the flooding in the area. Signs closing the fishing access site will be removed when the rule is no longer effective.

AUTH: 2-4-303, 23-1-106, 87-1-202, MCA

IMP: 2-4-303, 23-1-106, 87-1-202, MCA

NEW RULE III KONA BRIDGE FISHING ACCESS SITE EMERGENCY CLOSURE

- (1) The Kona Bridge Fishing Access Site is located in Missoula County.
- (2) Kona Bridge Fishing Access Site is closed to all public occupation and recreation as signed.
- (3) This rule is effective as long as water is flooding the fishing access site.
- (4) This rule will expire as soon as the department or incident command determines the fishing access site is again safe for occupation and recreation. This will depend on the extent and duration of the flooding in the area. Signs closing the fishing access site will be removed when the rule is no longer effective.

AUTH: 2-4-303, 23-1-106, 87-1-202, MCA

IMP: 2-4-303, 23-1-106, 87-1-202, MCA

NEW RULE IV HARPER'S BRIDGE FISHING ACCESS SITE EMERGENCY CLOSURE

- (1) The Harper's Bridge Fishing Access Site is located in Missoula County.
- (2) Harper's Bridge Fishing Access Site is closed to all public occupation and recreation as signed.
- (3) This rule is effective as long as water is flooding the fishing access site.

(4) This rule will expire as soon as the department or incident command determines the fishing access site is again safe for occupation and recreation. This will depend on the extent and duration of the flooding in the area. Signs closing the fishing access site will be removed when the rule is no longer effective.

AUTH: 2-4-303, 23-1-106, 87-1-202, MCA

IMP: 2-4-303, 23-1-106, 87-1-202, MCA

NEW RULE V DEEP CREEK FISHING ACCESS SITE EMERGENCY CLOSURE (1) The Deep Creek Fishing Access Site is located in Missoula County.

(2) Deep Creek Fishing Access Site is closed to all public occupation and recreation as signed.

(3) This rule is effective as long as water is flooding the fishing access site.

(4) This rule will expire as soon as the department or incident command determines the fishing access site is again safe for occupation and recreation. This will depend on the extent and duration of the flooding in the area. Signs closing the fishing access site will be removed when the rule is no longer effective.

AUTH: 2-4-303, 23-1-106, 87-1-202, MCA

IMP: 2-4-303, 23-1-106, 87-1-202, MCA

NEW RULE VI COUNCIL GROVE STATE PARK EMERGENCY CLOSURE

(1) Council Grove State Park is located in Missoula County.

(2) Council Grove State Park is closed to all public occupation and recreation as signed.

(3) This rule is effective as long as water is flooding the state park.

(4) This rule will expire as soon as the department or incident command determines the state park is again safe for occupation and recreation. This will depend on the extent and duration of the flooding in the area. Signs closing the state park will be removed when the rule is no longer effective.

AUTH: 2-4-303, 23-1-106, 87-1-202, MCA

IMP: 2-4-303, 23-1-106, 87-1-202, MCA

5. The rationale for the emergency rules is as set forth in paragraph 1.

6. Concerned persons are encouraged to submit their comments during the upcoming standard rulemaking process. If concerned persons wish to be personally notified of that rulemaking process, they should submit their names and addresses to: Kaedy Gangstad, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, MT, 59602-0701; e-mail [kgangstad@mt.gov](mailto:kgangstad@mt.gov). Any comments must be received no later than June 22, 2018.

7. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice and

specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, faxed to the office at (406) 444-7456, or may be made by completing the request form at any rules hearing held by the department.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

/s/ Martha Williams

Martha Williams

Director

Department of Fish, Wildlife and Parks

/s/ Rebecca Dockter

Rebecca Dockter

Rule Reviewer

Certified to the Secretary of State May 10, 2018.