

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

In the matter of the adoption of a ) NOTICE OF ADOPTION OF A  
temporary emergency rule closing the ) TEMPORARY EMERGENCY RULE  
Bighorn River in Big Horn County )

TO: All Concerned Persons

1. The Department of Fish, Wildlife and Parks (department), after consulting with the Fish, Wildlife and Parks Commissioner, Shane Colton, has determined the following reasons justify the adoption of a temporary emergency rule:

(a) Phillips 66 Pipeline is removing 275-foot long stretch of the Seminole Pipeline between Three Mile Access Site and Bighorn Fishing Access Site on the Bighorn River.

(b) The project requires heavy construction equipment in the river, an 80-foot pad in the river channel to accommodate excavation equipment, and possibly construction of rock ramps.

(c) Due to these conditions, persons floating the Bighorn River could be subjected to:

(i) collisions with heavy equipment; and

(ii) unexpected changes in the water current and velocity.

(d) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, the department adopts the following temporary emergency rule. The emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at access points. The rule will be sent to interested parties, and published as a temporary emergency rule in Issue No. 2 of the 2013 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 February 15, 2013, to advise us of the nature of the accommodation that you need. Please contact Jessica Snyder, Fish, Wildlife and Parks, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-9785; fax (406) 444-7456; or e-mail [jesssnyder@mt.gov](mailto:jesssnyder@mt.gov).

3. The temporary emergency rule is effective January 15, 2013 when this rule notice is filed with the Secretary of State.

4. The text of the temporary emergency rule provides as follows:

RULE I BIGHORN RIVER TEMPORARY EMERGENCY CLOSURE

(1) A portion of the Bighorn River is located in Big Horn County.

(2) The Bighorn River is closed to all public occupation and recreation including, but not limited to, floating, swimming, wading, and boating between Three Mile Access Site and Bighorn Fishing Access Site.

(3) This rule is effective until 12:01 a.m. Saturday, January 18, 2013.

(4) Signs regarding the emergency closure will be removed.

AUTH: 2-7-303, 87-1-303, MCA

IMP: 2-7-303, 87-1-303, MCA

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

6. Concerned persons are encouraged to submit their comments to the department. They should submit their comments along with their names and addresses to Bob Gibson, Department of Fish, Wildlife and Parks, 2300 Lake Elmo Drive, Billings, MT 59105; telephone (406) 247-2950; fax (406) 248-5026; or e-mail bgibson@mt.gov. Any comments must be received no later than March 1, 2013.

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/ Mike Volesky

Mike Volesky, Deputy Director  
Department of Fish, Wildlife and Parks

/s/ Rebecca Jakes Dockter

Rebecca Jakes Dockter  
Rule Reviewer

Certified to the Secretary of State January 15, 2013.