

BEFORE THE FISH AND WILDLIFE COMMISSION
OF THE STATE OF MONTANA

In the matter of the adoption of a)
temporary emergency rule closing a) NOTICE OF ADOPTION OF A
portion of the Fish Creek Wildlife) TEMPORARY EMERGENCY RULE
Management Area in Mineral County)

TO: All Concerned Persons

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

(a) The Nemote Wildfire is burning within the Fish Creek Wildlife Management Area.

(b) The department has determined the closure is necessary because current weather conditions and moderately steep terrain are causing erratic fire behavior. Fire suppression efforts include engines on the ground and a helicopter with water being dropped within the Fish Creek Wildlife Management Area (WMA).

(c) Recreationists within the WMA are at risk of personal injury due to water being dropped from aircraft, collisions with large equipment on the roads, or even death due to the conditions created by this rapidly spreading wildfire.

(d) 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 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. 17 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 September 20, 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.

3. The temporary emergency rule is effective August 26, 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 FISH CREEK WILDLIFE MANAGEMENT AREA TEMPORARY
EMERGENCY CLOSURE

(1) The Fish Creek Wildlife Management Area is located in Mineral County.

(2) The portion of the Fish Creek Wildlife Management Area north of Interstate 90 is closed in its entirety to all public occupation, hunting, and recreation.

(3) This rule is effective as long as there is fire within the Fish Creek Wildlife Management Area.

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

IMP: 2-4-303, 23-1-106, 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 Jessica Snyder, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, MT 59720; fax (406) 444-7456; or e-mail jesssnyder@mt.gov. Any comments must be received no later than October 11, 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.

9. With regard to the requirements of Chapter 318, Section 1, Laws of 2013, the department has determined that the adoption of the above-referenced temporary emergency closure will not significantly and directly impact small businesses.

/s/ Mike Volesky

Mike Volesky

Deputy Director

Department of Fish, Wildlife and Parks

/s/ Aimee Fausser

Rule Reviewer

Certified to the Secretary of State August 26, 2013.