

BEFORE THE DEPARTMENT OF FISH, WILDLIFE AND PARKS
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
Clark Fork River from Cyr Bridge)
Fishing Access Site to Tarkio Fishing)
Access Site 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 West Fork Fish Creek Fire is burning in the Alberton Gorge section of the Clark Fork River.

(b) Fire suppression efforts include several helicopters bucketing water from the Clark Fork River.

(c) Persons recreating on this stretch of the Clark Fork River would be subjected to erratic and unpredictable fire conditions posing a danger of:

(i) becoming surrounded and trapped by the fire;

(ii) becoming a potential burden to rescue and fire crews;

(iii) potential collisions with large, heavy water buckets suspended from helicopters; or

(iv) death.

(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 2015 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 25, 2015, 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 temporary emergency rule is effective August 31, 2015, when this rule notice is filed with the Secretary of State.

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

RULE I CLARK FORK RIVER TEMPORARY EMERGENCY CLOSURE

(1) The Alberton Gorge portion of the Clark Fork River is located in Mineral County.

(2) The Clark Fork River from Cyr Bridge Fishing Access Site to Tarkio Fishing Access Site is closed to all public occupation and recreation including, but not limited to, floating, swimming, wading, and boating.

(3) This rule is effective as long as there is fire threatening this portion of the Clark Fork River.

(4) This rule will expire as soon as the department determines this section of the Clark Fork River is again safe for occupation and recreation. This will depend on the extent and duration of the fire in the area.

AUTH: 2-4-303, 87-1-303, MCA

IMP: 2-4-303, 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 Chrissy Oschell, Department of Fish, Wildlife and Parks, 3201 Spurgin Rd, Missoula, MT 59804; or e-mail COschell@mt.gov. Any comments must be received no later than October 9, 2015.

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, 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

Chief of Staff

Department of Fish, Wildlife and Parks

/s/ Zach Zipfel

Zach Zipfel

Rule Reviewer

Certified to the Secretary of State August 31, 2015.