

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

In the matter of the adoption of an) NOTICE OF ADOPTION OF AN
emergency rule closing Cooney) EMERGENCY RULE
Reservoir in Carbon County)

TO: All Concerned Persons

1. The Department of Fish, Wildlife and Parks (department) has determined the following reasons justify the adoption of an emergency rule closing Cooney Reservoir in Carbon County:

- (a) The Robertson Draw Fire is burning south of Red Lodge, Montana.
- (b) Fire suppression efforts include several aircraft scooping and bucketing water from Cooney Reservoir.
- (c) The closure is necessary so aircraft crews can safely operate and maneuver without potential collisions with recreationists on the lake. The closure is also necessary so recreationists, including those with limited maneuverability, are not subject to potential collision with large, heavy water buckets suspended from helicopters.
- (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. 13 of the 2021 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 July 23, 2021, 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; or e-mail jesssnyder@mt.gov.

3. The temporary emergency rule is effective June 18, 2021, when this rule notice is filed with the Secretary of State.

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

RULE 1 COONEY RESERVOIR TEMPORARY EMERGENCY CLOSURE

- (1) Cooney Reservoir is located in Carbon County.
- (2) Cooney Reservoir is closed to all public occupation and recreation including, but not limited to, floating, swimming, wading, and boating.
- (3) Cooney State Park will remain open.

(4) This rule is effective as long as the lake is needed as a source of water for fire suppression efforts.

(5) This rule will expire as soon as the department determines Cooney Reservoir is again safe for occupation and recreation. Signs restricting use of the Cooney Reservoir will be removed when the rule is no longer effective.

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 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 59620-0701; or e-mail jesssnyder@mt.gov. Any comments must be received no later than August 6, 2021.

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/ Rebecca Dockter
Rebecca Dockter
Rule Reviewer

/s/ Hank Warsech
Hank Warsech
Director
Department of Fish, Wildlife and Parks

Certified to the Secretary of State June 18, 2021.