

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 the Ennis) EMERGENCY RULES
Fishing Access Site and the Valley)
Garden Fishing Access Site in)
Madison 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 closing the Ennis Fishing Access Site and the Valley Garden Fishing Access Site:

(a) There is ice gorging and ice jams on the Madison River that have caused water to channel through multiple portions of the fishing access sites, which is then freezing.

(b) The combination of dangerous conditions includes changing flooded areas throughout the sites, freezing and rendering unsafe conditions for pedestrian and vehicle travel.

(c) Persons recreating at the fishing access sites would be at risk of unsafe roadways, injury, or drowning.

(d) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, due to the combination of unsafe conditions 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 closure will be posted at access points. The rules will be sent to interested parties, and published as emergency rules in Issue No. 4 of the 2019 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 March 30, 2019, 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 February 8, 2019, when this rule notice is filed with the Secretary of State.

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

RULE 1 ENNIS FISHING ACCESS SITE EMERGENCY CLOSURE (1) The Ennis Fishing Access Site is located along the Madison River in Madison County.

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

(3) This rule will remain in effect until the department determines that the site is again safe for public occupancy. This will depend on the extent and duration of the ice jams on the river causing flooding into the fishing access site. Signs closing the fishing access site will be removed when the rule is no longer effective.

AUTH: 2-4-303, 87-1-202, MCA
IMP: 2-4-303, 87-1-202, MCA

RULE II VALLEY GARDEN FISHING ACCESS SITE EMERGENCY

CLOSURE (1) The Valley Garden Fishing Access Site is located along the Madison River in Madison County.

(2) The Valley Garden Fishing Access Site is closed to all public occupation and recreation as signed.

(3) This rule will remain in effect until the department determines that the site is again safe for public occupancy. This will depend on the extent and duration of the ice jams on the river causing flooding into the fishing access site. Signs closing the fishing access site will be removed when the rule is no longer effective.

AUTH: 2-4-303, 87-1-202, MCA
IMP: 2-4-303, 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 to the department. They should submit their comments along with their names and addresses to Travis Horton, Fish, Wildlife and Parks, 1400 South 19th Avenue, Bozeman, MT 59718-5496; or e-mail thorton@mt.gov. Any comments must be received no later than April 12, 2019.

7. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department. 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 Operations
Department of Fish, Wildlife and Parks

/s/ Rebecca Dockter
Rebecca Dockter
Rule Reviewer

Certified to the Secretary of State February 8, 2019.