

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) EMERGENCY RULES
Yellowstone River from the)
Yellowstone National Park Boundary)
to the Springdale Bridge Fishing)
Access Site)

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 all recreational use for the Yellowstone River from the Yellowstone National Park boundary to the Springdale Bridge fishing access site.

(a) There has been a drastic spike in water flow on the Yellowstone River that has caused water to channel and flood multiple portions of the river.

(b) The combination of dangerous conditions includes changing flooded areas throughout the sites, moving debris, bridge and infrastructure failure, swift and unpredictable water conditions, and potentially unstable trees that could fall, rendering unsafe conditions for pedestrian and vehicle travel.

(c) Persons recreating on the Yellowstone River would be at risk of 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. 12 of the 2022 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 11, 2022, to advise us of the nature of the accommodation that you need. Please contact Crissy Bell, Fish, Wildlife and Parks, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-4594; or e-mail cbell@mt.gov.

3. The emergency rules are effective June 13th, 2022, when this rule notice is filed with the Secretary of State.

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

RULE I YELLOWSTONE RIVER EMERGENCY CLOSURE (1) The Yellowstone River is closed to all recreational use from the Yellowstone National Park boundary to the Springdale Bridge fishing access site.

(2) This rule will remain in effect until the department determines that the affected areas on the above-mentioned parts of the Yellowstone River are again safe for public occupancy and recreational use. This will depend on the extent and duration of the increased waterflow on the Yellowstone River causing severe life-threatening flooding. 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 YELLOWSTONE RIVER FISHING ACCESS SITES EMERGENCY CLOSURE (1) All fishing access sites from the Yellowstone National Park boundary to the Springdale Bridge fishing access site along the Yellowstone River are closed to all public occupation and recreation.

(2) This rule will remain in effect until the department determines that the affected areas on the above-mentioned parts of the Yellowstone River are again safe for public occupancy and recreational use. This will depend on the extent and duration of the increased waterflow on the Yellowstone River causing severe life-threatening flooding. 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 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: Crissy Bell, Fish, Wildlife and Parks, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701; or e-mail cbell@mt.gov. Any comments must be received no later than August 1, 2022.

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.

9. The special notice requirements of 2-4-303, MCA have been met. All committee members and staff of the Environmental Quality Council, with addresses provided on the Montana Legislature's website (leg.mt.gov), were contacted by e-mail on June 13, 2022.

/s/ Mike Volesky
Mike Volesky
Chief of Operations
Department of Fish, Wildlife and Parks

/s/ Zach Zipfel
Zach Zipfel
Rule Reviewer

Certified to the Secretary of State June 13, 2022.