

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
emergency rule closing the West) EMERGENCY RULE
Rosebud Creek and Rosebud Creek)
in Stillwater 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:

(a) Due to recent severe flooding, dangerous conditions exist in the West Rosebud Creek and Rosebud Creek including downed powerlines and other structures. Other obstructions may fall into the West Rosebud Creek and Rosebud Creek due to erosion of the riverbank causing the banks to become unstable.

(b) Persons recreating on the creek are at risk of:

(i) electrocution; and

(ii) injury or drowning due to collision with unexpected obstructions in the river.

(c) 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 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 an emergency rule 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 8, 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 rule is effective June 16, 2022, when this rule notice is filed with the Secretary of State.

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

NEW RULE I WEST ROSEBUD CREEK AND ROSEBUD CREEK IN STILLWATER COUNTY EMERGENCY CLOSURE (1) West Rosebud Creek and Rosebud Creek are in Stillwater County.

(2) West Rosebud Creek from Rosebud Isle Fishing Access Site to the confluence with Rosebud Creek is closed to all public occupation and recreation as signed.

(3) Rosebud Creek is closed to all public occupation and recreation as signed.

(4) This rule will expire as soon as the department determines the creeks are again safe for occupation and recreation. This will depend on the extent and duration of the flooding in the area. Signs closing the creeks 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 rule is set forth in paragraph 1.

6. Concerned persons are encouraged to submit their comments to the department. Please submit comments along with names and addresses to: Crissy Bell, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, MT, 59602-0701; e-mail cbell@mt.gov. Any comments must be received no later than July 22, 2022.

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. 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 16, 2022.

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

/s/ Kevin Rechkoff
Kevin Rechkoff
Rule Reviewer

Certified to the Secretary of State June 16, 2022.