

FISH & WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: April 15, 2015

Agenda Item: Annual Rule to close Bitterroot River for user safety at Supply Ditch

Division: Fisheries

Action Needed: Final

Time Needed on Agenda for this Presentation: 15 minutes

Background

In 2011, the Bitterroot River shifted flow into a new stream channel and over the Supply Ditch Diversion. The diversion now has a deceptive hydraulic that is dangerous to floaters. After 2011, accidents were reported, and FWP placed signs at access sites and on the river to advertise the danger. Despite educational efforts, several more accidents and one fatality occurred in 2013. Additional notice followed using signs and newspaper articles. There were no more accidents in 2013, but in spring 2014, at least two more accidents occurred and by April, FWP initiated an emergency rule closure for user safety on a five-mile section of the Bitterroot River, from Woodside Crossing FAS downstream to Tucker Crossing (West) FAS. The closure ran from April 11 to July 7 (86 days). The closure allowed FWP to install signs at more locations along the river and larger signs at appropriate FASs. There were no more accidents in 2014; however this year's situation remains unpredictable. FWP is taking steps to avoid closure but the potential need remains.

Public Involvement Process & Results

On Feb.12, the Commission proposed an annual rule to allow closing all or portions of the Bitterroot Rive for public safety. Public comment ran Feb. 13 to March 9, with a March 4 public hearing in Hamilton. FWP received 79 comments: 73 comments were relevant to the issue. Of those, 27 percent supported FWP ability to close the river if necessary. Proponents included Bitterroot Trout Unlimited, Fishing Outfitters Association of Montana, Ravalli County Search and Rescue, and the Supply Ditch Irrigation Association. Comments supporting this rule cited concerns for public and rescuer safety. Of the 73 percent not in support, most expressed concern about setting a river-closing precedent.

Alternatives and Analysis

- Alternative 1: Adopt the rule to allow closure to floating and boating if needed. Closure may be needed if: (1) other channels are not available to get around the dam; and (2) high water washes away signs and/or alter conditions at the dam. FWP could close the river until more public information can be offered and other actions are taken to best ensure safety.
- Alternative 2: Do not adopt the rule; anyone may float the river stretch through high-water season.

Agency Recommendation & Rationale

FWP recommends adoption of the rule because FWP can't be certain outreach alone will adequately protect public safety: High flows may change river conditions and destroy signs; posted information may not accurately reflect rapidly changing conditions at the dam. The ability to close all or a portion of the river from Woodside to Tucker FAS would greatly enhance public awareness of this dangerous and potentially rapidly changing hazard. Any floating closure would be intended to best meet public safety objectives, while minimizing the length of time and the length of river affected,.

Proposed Motion

I move that the commission adopt the annual rule that provides criteria for possible closure of all or a portion of the Bitterroot River to floating for user safety between Woodside Bridge FAS and Tucker Crossing West FAS.