

FISH & WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: May 14, 2015

Agenda Item: Big Hole River and Powerhouse FAS Closure Rule

Division: Fisheries

Action Needed: Final

Time Needed on Agenda for this Presentation: 10 minutes

Background

The Montana Department of Transportation notified FWP in 2014 of its intent to conduct repairs and upgrades to Silver Bridge on the Big Hole River beginning July 1, 2014. Due to several construction delays work on Silver Bridge didn't meet the Dec. 1, 2014 project completion date. Work was halted for the winter and will resume with a projected start date of July 1.

MDT will again require the contractor to provide safe public float passage, including a 40-foot opening past instream construction-related obstructions, and appropriate navigational signage and hazard posting. MDT has informed FWP that construction conditions requiring temporary closures of the river or the FAS are not anticipated. However, as a precaution, MDT has asked the Commission to consider a rule that would reauthorize FWP, in consultation with the local Commissioner, to temporarily close the river and/or the FAS during the construction timeline (July 1 – Oct. 15). The contractor, with confirmation from MDT, would be required to notify FWP of such a request.

The contractor would be responsible for posting signs at upstream access sites notifying the public about any temporary site or river closures. FWP would make it clear to MDT and the contractor that the Big Hole River is very popular among the angling public and important to the regional tourism economy. FWP would only consider closures if there are no other reasonable alternatives.

Public Involvement Process & Results

At the direction of the Commission, FWP invited public comment on the proposed closure rule from March 13 to April 17. A total of eight comments were received primarily asking for clarification on the closure rule process and time frame of the proposed construction. There was a general concern that the construction closure may interfere with spring and early summer use. It was explained that construction would not begin until July 1 and thereby avoiding conflict with early spring fishing.

Alternatives & Analysis

The Commission could choose not to propose a rule closing the river. This could lead to emergency conditions that would require the adoption of an emergency rule to close the river and/or the access site.

Agency Recommendation & Rationale

FWP recommends that the Commission authorize the proposed closure rule. The rule would allow FWP to assess the contractor's request with input from MDT for a closure and determine if one is needed and if alternatives would have less impact on recreation without jeopardizing public safety.

Proposed Motion

I move that the Commission propose an annual rule authorizing FWP, in consultation with the local F&W Commissioner, to temporarily close a portion of the Big Hole River and/or the Powerhouse Bridge FAS to address public safety concerns related to the repair of Silver Bridge during the time period from July 1 to Oct. 15, 2015.