

## **FISH and WILDLIFE COMMISSION AGENDA ITEM COVER SHEET**

**Meeting Date:** December 10, 2018

**Agenda Item:** Madison River and Varney Bridge Fishing Access Site Temporary Closure Rule (R3)

**Division:** Fisheries      **Action Needed:** Proposed

**Time Needed on Agenda for this Presentation:** 5 minutes

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### **Background**

The Montana Department of Transportation notified FWP in 2016 of its intention to replace the Varney Bridge over the Madison River on Secondary 249, approximately 8 miles south of Ennis beginning April 2019.

MDT will require the contractor to provide safe public float passage, including a 40-foot wide by 6-foot high effective opening between in-stream construction-related obstructions and appropriate navigational signage and hazard posting. MDT anticipates that there will be times when construction activities will create unsafe conditions for the public and requests that FWP be prepared to temporarily close the river and/or the entire Varney Bridge Fishing Access Site on a short-term basis to all use in the proximity of the construction site. MDT has asked the commission to authorize a rule that would let FWP, in consultation with the local commissioner, temporarily close the river and/or the Varney FAS on a short-term basis during the construction timeline March 15, 2019, to Nov. 15, 2019. The contractor, with confirmation from MDT, would be required to notify FWP of each occurrence of such a request. FWP would only consider closures in the interest of public safety and if there are no other reasonable alternatives available.

### **Public Involvement Process & Results**

Upon proposal of the rule, FWP would invite public comment and report back to the commission with a final recommendation.

### **Alternatives & Analysis**

The commission could choose not to propose a rule that would allow temporary short-term closures of the river during construction. Without this proactive option, emergency conditions might precipitate adoption of an emergency rule to close the river and/or the Varney FAS. FWP would prefer to have the ability to anticipate such needed actions to enhance public notice and safety.

### **Agency Recommendation & Rationale**

FWP recommends that the commission propose the rule and initiate public involvement. The rule would allow FWP to assess the contractor's request with input from MDT for a temporary short-term closure and determine whether such action is warranted and whether there are alternatives that would have less impact on recreation opportunities without jeopardizing public safety.

### **Proposed Motion**

I move that the commission propose an annual rule authorizing the department, in consultation with the local commissioner, to temporarily close a portion of the Madison River and/or the Varney FAS on a short-term basis as necessary to safely complete removal of the existing bridge and construction of a new Secondary 249 bridge during the time period March 15, 2019 to Nov. 15, 2019.