BEFORE THE FISH, WILDLIFE AND PARKS COMMISSION
OF THE STATE OF MONTANA

In the matter of the adoption of temporary emergency rules closing a portion of the Clark Fork River and a portion of Warm Springs Wildlife Management Area due to Superfund cleanup efforts	))))))	NOTICE OF ADOPTION OF TEMPORARY EMERGENCY RULES

TO: All Concerned Persons

1. The Department of Fish, Wildlife and Parks (department) has determined the following reasons justify the adoption of temporary emergency rules:

(a) Department of Environmental Quality and Department of Justice, Natural Resource Damage Program requested 1 3/4 miles of the Clark Fork River, ten acres of the Warm Springs Wildlife Management Area, and a road in the wildlife management area be closed to public occupation due to Superfund cleanup construction activities.

(b) The Superfund cleanup activities require heavy equipment with large loads in an area of recreational use.

(c) The closure is necessary so construction crews can safely operate and maneuver without potential collisions with recreationists on the river or on the land. The closure is also necessary so recreationists, including those with limited maneuverability, are not subject to potential collision with large equipment or loads being carried by heavy equipment.

(d) 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 temporary 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 temporary emergency rules in Issue No. 7 of the 2013 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 commission no later than 5:00 p.m. on April 30, 2013, to advise us of the nature of the accommodation that you need. Please contact Jessica Snyder, Fish, Wildlife and Parks, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-9785; fax (406) 444-7456; or e-mail jesssnyder@mt.gov.

3. The temporary emergency rules are effective March 29, 2013 when this rule notice is filed with the Secretary of State.

4. The text of the temporary emergency rules provide as follows:

RULE I TEMPORARY EMERGENCY CLOSURE OF A PORTION OF THE CLARK FORK RIVER (1) A portion of the Clark Fork is located in Deer Lodge County.

(2) The Clark Fork River and its banks are closed to all public occupation and recreation including, but not limited to, fishing, floating, swimming, wading, and boating for 1 3/4 miles starting approximately 3/4 mile downstream of the Pond 2 outflow as signed.

(3) This rule is effective until repealed, or for 120 days, whichever comes first.

AUTH: 2-4-303, 87-1-303, MCA
IMP: 2-4-303, 87-1-303, MCA

RULE II TEMPORARY EMERGENCY CLOSURE OF A PORTION OF WARM SPRINGS WILDLIFE MANAGEMENT AREA (1) A portion of Warm Springs Wildlife Management Area is located in Deer Lodge County.

(2) The road accessing the eastern portion of the wildlife management area is closed as gated and signed.

(3) The portion of land south of the road closure to the boundary of the wildlife management area is closed to all public occupation.

(4) This rule is effective until repealed, or for 120 days, whichever comes first.

AUTH: 2-4-303, 23-1-106, 87-1-303, MCA
IMP: 2-4-303, 23-1-106, 87-1-303, MCA

5. The rationale for the temporary emergency rules is set forth in paragraph 1.

6. These rules will expire as soon as the commission adopts an annual recreational use rule to address the safety concerns, or in 120 days, whichever comes first. Notice of repeal of these emergency rules will be published in the Montana Administrative Register.

7. Concerned persons are encouraged to submit their comments to the department. They should submit their comments along with their names and addresses to Sharon Rose, Department of Fish, Wildlife and Parks, 3201 Spurgin Road, Missoula, MT 59804; fax 406-542-5529; e-mail shrose@mt.gov, and must be received no later than May 10, 2013.

8. 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.

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

/s/ Mike Volesky
Mike Volesky
Deputy Director
Department of Fish, Wildlife and Parks
Acting Secretary
Fish, Wildlife and Parks Commission

/s/ Rebecca Jakes Dockter
Rebecca Jakes Dockter
Rule Reviewer

Certified to the Secretary of State March 29, 2013.