



Montana Fish, Wildlife & Parks

Clark Fork River and Warm Springs Wildlife Management Area Closure Rules

I. PURPOSE

- (1) The purpose of the following rule is to address safety concerns on the Clark Fork River and Warm Springs Wildlife Management Area (WMA).
- (2) The area of concern is part of the Milltown Reservoir / Clark Fork River Superfund Site cleanup and includes a section of the Clark Fork River below Warm Springs Ponds and a portion of the WMA.
- (3) An emergency closure rule has been in place since March 29, 2013 at the request of the Montana Department of Environmental Quality and the Montana Department of Justice for the purpose of addressing safety concerns associated with anglers entering into the construction zone in the presence of heavy equipment and exposed toxic metals and arsenic.
- (4) The emergency rule will expire on July 27, 2013. This proposed annual rule would replace the emergency closure rule for up to one year.

II. CLARK FORK RIVER AND WARM SPRINGS WILDLIFE MANAGEMENT AREA CLOSURE

- (1) The closure rule applies to a portion of the Clark Fork River and Warm Springs WMA 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, floating, swimming, wading, and boating for 1 3/4 miles starting 3/4 mile downstream of the Pond 2 outflow as signed.
- (3) The road accessing the eastern portion of the wildlife management area is closed as gated and signed.
- (4) The portion of land south of the road closure to the boundary of the wildlife management area is closed to all public occupation.
- (5) The commission authorizes the department, with the approval of the commissioner in whose district the closures are located, to repeal any or all portions of the rule should conditions no longer present a public safety concern, and to reinstate the closures should safety issues become apparent.
- (6) Equipment and employees necessary for completion of the cleanup are permitted to occupy the closed portions of the Clark Fork River and Warm Springs WMA.

III. EFFECTIVE DATE AND EXPIRATION OF THIS RULE

- (1) This rule is effective upon final approval of the commission.
- (2) This rule expires one year after final approval of the commission.
- (3) This rule may be repealed at anytime by the commission. Signs restricting use of the Clark Fork River and Warm Springs WMA will be removed when the rule is not active.

Dan Vermillion, Chairman
Fish, Wildlife & Parks Commission