

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

In the matter of the adoption of a) NOTICE OF ADOPTION OF
temporary emergency rule pertaining) TEMPORARY EMERGENCY RULE
to the Bitterroot River in Ravalli)
County)

TO: All Concerned Persons

1. The Department of Fish, Wildlife and Parks (department) is adopting the following emergency rule due to danger created by the Supply Ditch Diversion Dam (dam). The dam spans the Bitterroot River approximately three river miles downstream of the Woodside Fishing Access Site near Corvallis, Montana. This portion of the Bitterroot River is actively floated by the public and at most flow levels is the only channel available. The dam is a low-head structure that creates dangerous currents that have caused numerous boat accidents including a fatality in 2013. Signs have been in place for several years warning floaters about the danger and signaling portage routes around the dam. Despite the warnings signs, at least two accidents have occurred in recent months. At the current water levels, portage around the dam is very difficult.

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 department no later than 5:00 p.m. on May 16, 2014, 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 rule is effective April 11, 2014, when this rule notice is filed with the Secretary of State.

4. The text of the temporary emergency rule provides as follows:

NEW RULE I BITTERROOT RIVER TEMPORARY EMERGENCY CLOSURE (1) A portion of the Bitterroot River is located in Ravalli County.

(2) The Bitterroot River is closed to all boating and floating from Woodside Fishing Access Site to Tucker West Fishing Access Site.

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

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

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

6. A standard rulemaking procedure will be undertaken prior to the expiration of this temporary emergency rule.

7. Concerned persons are encouraged to submit their comments during the upcoming standard rulemaking process. If concerned persons wish to be personally notified of that rulemaking process, they should submit 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.

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

Chief of Staff

Department of Fish, Wildlife and Parks

/s/ William Schenk

William Schenk

Rule Reviewer

Certified to the Secretary of State April 11, 2014.