

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

In the matter of the adoption of an) NOTICE OF ADOPTION OF
emergency rule partially closing the) EMERGENCY RULE
Jefferson River from the Williams)
Bridge Fishing Access Site to the)
Meridian Bridge in Jefferson County)

TO: All Concerned Persons

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

(a) There is ongoing construction at the Meridian Bridge. High waters coupled with the fact that pieces of the Meridian Bridge are being replaced create a substantial risk of structural failure.

(b) Persons floating on the Jefferson River, towards the Meridian Bridge, are at risk of injury or death because there is a possibility that the Meridian Bridge may experience structural failure or recreationists may collide with the Meridian Bridge.

(c) 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 emergency rule. The emergency rule 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 rule will be sent to interested parties and published as an emergency rule in Issue No. 11 of the 2023 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 department no later than 5:00 p.m. on June 23, 2023, to advise us of the nature of the accommodation that you need. Please contact Christina Bell, Fish, Wildlife and Parks, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-4594; or e-mail cbell@mt.gov.

3. The emergency rule is effective June 1, 2023, when this rule notice is filed with the Secretary of State.

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

RULE 1 JEFFERSON RIVER EMERGENCY CLOSURE (1) The Jefferson River is in Jefferson County.

(2) The Jefferson River is partially closed to persons floating between the Williams Bridge Fishing Access Site to the Meridian Bridge.

(3) This rule does not implement a closure of the Williams Bridge Fishing Access Site, but only limits access between the Williams Bridge Fishing Access Site and the Meridian Bridge.

(4) This rule will remain in effect until the department determines that the affected area of the Jefferson River is again safe for public occupancy and recreational use. Signs closing the river for floating will be removed when the rule is no longer effective.

AUTH: 2-4-303, 87-1-202, MCA
IMP: 2-4-303, 87-1-202, MCA

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

6. Concerned persons are encouraged to submit their comments to the department. Please submit comments along with names and addresses to: Jessica Snyder, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, MT, 59602-0701; e-mail cbell@mt.gov. Any comments must be received no later than July 7, 2023.

7. 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.

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

9. The special notice requirements of 2-4-303, MCA have been met. All committee members and staff of the Environmental Quality Council, with addresses provided on the Montana Legislature's website (leg.mt.gov), were contacted by e-mail on June 1, 2023.

/s/ Dustin Temple
Dustin Temple
Acting Director
Department of Fish, Wildlife and Parks

/s/ Alexander Scolavino
Alexander Scolavino
Rule Reviewer

Certified to the Secretary of State June 1, 2023.