

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

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| In the matter of the adoption of an |) | NOTICE OF ADOPTION OF |
| emergency rule closing the Holmgren |) | EMERGENCY RULE |
| Ranch Fishing Access Site on the |) | |
| Yellowstone River in Stillwater |) | |
| 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 closing the Holmgren Ranch Fishing Access Site (FAS):

(a) The Twin Bridges railroad bridge has partially collapsed into the Yellowstone River, and cleanup work and construction are taking place.

(b) The Holmgren Ranch FAS will be used as a worksite and staging area for the assessment and cleanup efforts. Nine rail cars containing chemicals entered the river system. Chemical containment efforts and river cleanup processes are ongoing.

(c) Persons recreating at the FAS would be at risk due to the unsafe conditions at the worksite and staging area.

(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 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 emergency rule will be sent to interested parties and published in Issue 14 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 August 4, 2023, to advise us of the nature of the accommodation that you need. Please contact Regina Reynolds, Fish, Wildlife and Parks, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-9785; or e-mail regina.reynolds@mt.gov.

3. The emergency rule is effective June 30, 2023, when this rule notice is filed with the Secretary of State.

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

NEW RULE I HOLMGREN RANCH FISHING ACCESS SITE EMERGENCY CLOSURE (1) The Holmgren Ranch Fishing Access Site is located along the Yellowstone River in Stillwater County.

(2) The Holmgren Ranch Fishing Access Site is closed to all public occupation and recreation as signed.

(3) This rule will remain in effect until the department determines that the site is again safe for public occupancy. This will depend on the extent and the duration of the cleanup and construction efforts. Signs closing the fishing access site 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: Regina Reynolds, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, MT, 59602-0701; e-mail regina.reynolds@mt.gov. Any comments must be received no later than September 1, 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 30, 2023.

/s/ Robin Graham

Robin Graham

Acting Deputy Director

Department of Fish, Wildlife and Parks

/s/ Alex Neill

Alex Neill

Rule Reviewer

Certified to the Secretary of State June 30, 2023.