

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 closing the)	EMERGENCY RULE
Yellowstone River near the Twin)	
Bridges Road railroad bridge 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 Yellowstone River one mile upstream and two and a half miles downstream of the Twin Bridges Road railroad bridge:

(a) The Twin Bridges Road railroad bridge has partially collapsed into the Yellowstone River.

(b) The combination of dangerous conditions includes railcars, iron, and debris in the Yellowstone River. There is no safe passage around the debris, ultimately rendering the river and shoreline unsafe for boating, floating, and shoreline use.

(c) There is a possibility that the remaining bridge may collapse into the river. Cleanup work and construction will be taking place, and crews need sufficient space to work and determine cleanup efforts.

(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 rule will be sent to interested parties and published as an emergency rule in Issue 13 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 July 21, 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 27, 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 YELLOWSTONE RIVER AT THE TWIN BRIDGES ROAD
RAILROAD BRIDGE EMERGENCY CLOSURE (1) The Yellowstone River is

closed beginning one mile upstream of the Twin Bridges Road railroad bridge and continuing two and a half miles downstream of the railroad bridge over the Yellowstone River in Stillwater County.

(2) This rule will remain in effect until the department determines that the Yellowstone River is safe for passage and human use. This will depend on the extent and the duration of the cleanup and construction work. Signs closing the Yellowstone River 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 5:00 p.m., August 4, 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 27, 2023.

/s/ Quentin Kujala
Quentin Kujala
Chief of Staff
Department of Fish, Wildlife and Parks

/s/ Alex Neill
Alex Neill
Rule Reviewer

Certified to the Secretary of State June 27, 2023.