

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 Clark)	EMERGENCY RULE
Fork River from the Milltown State)	
Park to the Petty Creek Fishing)	
Access Site in Missoula 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 Clark Fork River from the Milltown State Park to the Petty Creek Fishing Access Site in Missoula County:

(a) Following the storm yesterday evening, there are multiple power lines in the Clark Fork River leading to concerns for energized water. The department is closing the river pursuant to the request of the Missoula County Emergency Coordinator. It is unknown at this time how long the closure will be necessary, and the closure shall remain in effect until the department determines that recreation can safely reopen.

(b) 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. 15 of the 2024 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 23, 2024, 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) 594-8071; or e-mail c.bell@mt.gov.

3. The emergency rule notice is effective July 25, 2024.

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

RULE 1 CLARK FORK RIVER CLOSURE (1) The Clark Fork River segment subject to this rule is located in Missoula County.

(2) The Clark Fork River is closed to any recreation between Milltown State Park and the Petty Creek Fishing Access Site in Missoula County.

(3) The river closure implemented by this rule will be in effect from 12:00 p.m., Thursday, July 25, 2024, until the powerlines have been removed from the

river and repaired, and the department determines that the river segment is again safe for recreational activities.

(4) Signs closing the above-referenced portion of the Clark Fork River to recreational activities will be removed when this 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: Christina Bell, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, MT, 59602-0701; e-mail c.bell@mt.gov. Any comments must be received no later than September 9, 2024.

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 a written request that includes the name and mailing or email address of the person to receive the 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, or may be completed online at <https://public.govdelivery.com/accounts/MTFWP/subscriber/new>.

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 July 25, 2024.

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

/s/ Jaime MacNaughton
Jaime MacNaughton
Rule Reviewer

Certified to the Secretary of State July 25, 2024.