

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 from the Joe)	
Brown Fishing Access Site to the)	
Carbella BLM Boat Ramp in Park)	
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 from the Joe Brown Fishing Access Site to the Carbella BLM Boat Ramp in Park County:

(a) There is ongoing construction at Carbella Bridge, which is located between the two above-referenced fishing access sites. Various structural components of the bridge are being replaced with heavy construction activities occurring over the waterway.

(b) The combination of high water and heavy construction activity occurring over the waterway creates a risk of injury or death to any persons floating on the Yellowstone River in the vicinity of the Carbella Bridge, rendering the above-referenced stretch of river unsafe for floating activities by recreationists.

(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 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 June 28, 2024, 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) 594-8073; or e-mail regina.reynolds@mt.gov.

3. The emergency rule notice is effective May 20, 2024.

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

RULE 1 YELLOWSTONE RIVER EMERGENCY CLOSURE (1) The Yellowstone River segment subject to this rule is located in Park County.

(2) The Yellowstone River is closed to any floating recreation between the Joe Brown Fishing Access Site and the Carbella BLM Boat Ramp in Park County.

(3) This rule does not implement a closure of either the Joe Brown Fishing Access Site or the Carbella BLM site, but only limits access for floating recreation between the two locations referenced above.

(4) The river closure implemented by this rule will be in effect from 12:00 a.m., Wednesday, May 22, 2024, until the heavy construction activity occurring over the waterway is completed and the department determines that the river segment is again safe for floating recreation activities.

(5) Signs closing the above-referenced portion of the Yellowstone River to floating 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: 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 July 5, 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 May 20, 2024.

/s/ Dustin Temple

Dustin Temple

Director

Department Fish, Wildlife and Parks

/s/ Jeffrey Hindoien

Jeffrey Hindoien

Rule Reviewer

Certified to the Secretary of State May 20, 2024.