

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 AN
emergency rule closing the)	EMERGENCY RULE
Yellowstone River 100 yards)	
upstream and downstream of the)	
Twin Bridges Road 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 100 yards upstream and downstream of the Twin Bridges Road Bridge:

(a) The Montana Department of Transportation has notified the department that the Twin Bridges Road Bridge is subject to imminent failure and may collapse into the Yellowstone River.

(b) Persons recreating on the portion of the river under or near the bridge are at risk of personal injury or death if the bridge should fail and collapse.

(c) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare due to the combination of unsafe conditions 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. 3 of the 2021 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 February 26, 2021, to advise us of the nature of the accommodation that you need. Please contact Kaedy Gangstad, Fish, Wildlife and Parks, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-4594; or e-mail kgangstad@mt.gov.

3. The emergency rule is effective January 25, 2021, 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 EMERGENCY CLOSURE (1) The closed portion of the Yellowstone River is located in Stillwater County.

(2) The Yellowstone River is closed to all public recreation and occupation on the river 100 yards upstream and downstream of the Twin Bridges Road Bridge. Contractors and personnel working on the bridge are exempt.

(3) This rule will remain in effect until the department determines the river is again safe for occupation which will depend on if and when the bridge fails or is demolished by the Department of Transportation. Signs noticing the closure 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: Kaedy Gangstad, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, MT, 59602-0701; e-mail kgangstad@mt.gov. Any comments must be received no later than March 12, 2021.

7. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department. 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, 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.

/s/ Hank Warsech

Hank Warsech

Director

Department of Fish, Wildlife and Parks

/s/ Aimee Hawkaluk

Aimee Hawkaluk

Rule Reviewer

Certified to the Secretary of State January 25, 2021.