

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
Springdale Bridge Fishing Access)
Site 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 Springdale Bridge Fishing Access Site in Park County:

(a) Yesterday evening, a wildland fire started in the Springdale Bridge Fishing Access Site.

(b) The site is extremely dangerous due to smoldering ground, high winds, and unstable burned trees that could fall at any time. Persons recreating in the site could be in danger of:

(i) becoming surrounded and trapped by fire should the smoldering ground flare up;

(ii) being hit by a falling tree;

(iii) becoming a potential burden to fire crews; or

(iv) death.

(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 temporary 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 a temporary emergency rule in Issue No. 7 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 April 30, 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 temporary emergency rule is effective March 29, 2021, when this rule notice is filed with the Secretary of State.

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

RULE I SPRINGDALE BRIDGE FISHING ACCESS SITE TEMPORARY
EMERGENCY CLOSURE (1) The Springdale Bridge Fishing Access Site is located in Park County.

(2) The Springdale Bridge Fishing Access Site is closed to all public occupation and recreation.

(3) This rule is effective as long as there are dangers from the fire in the Springdale Bridge Fishing Access Site.

(4) This rule will expire as soon as the department determines the Springdale Bridge Fishing Access Site is again safe for occupation and recreation. Signs restricting use of the Springdale Bridge 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 temporary emergency rule is set forth in paragraph 1.

6. Concerned persons are encouraged to submit their comments to the department. They should submit their comments along with their names and addresses to Jay Pape, Department of Fish, Wildlife and Parks, 1400 S. 19th Avenue, Bozeman, MT 59718; or e-mail jpape@mt.gov. Any comments must be received no later than May 14, 2021.

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, 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 Worsch

Hank Worsch

Director

Department of Fish, Wildlife and Parks

/s/ Rebecca Dockter

Rebecca Dockter

Rule Reviewer

Certified to the Secretary of State March 29, 2021.