

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 Selway) EMERGENCY RULE
Park Fishing Access Site in)
Beaverhead 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 Selway Park Fishing Access Site in Beaverhead County:

(a) The Selway Park Fishing Access Site has been subject to severe winds, and a large cottonwood tree has just fallen onto an occupied vehicle.

(b) The site is extremely dangerous as it is possible there may be other unstable trees that could fall.

(c) Persons recreating in the site are in danger of being hit by a falling tree, causing injury or death.

(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 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. 12 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 July 9, 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 June 10, 2021, when this rule notice is filed with the Secretary of State.

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

RULE 1 SELWAY PARK FISHING ACCESS SITE TEMPORARY
EMERGENCY CLOSURE (1) The Selway Park Fishing Access Site is located in Beaverhead County.

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

(3) This rule is effective as long as there are dangers from the unstable trees in the Selway Park Fishing Access Site.

(4) This rule will expire as soon as the department determines the Selway Park Fishing Access Site is again safe for occupation and recreation. Signs restricting use of the Selway Park 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 July 23, 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/ Mike Volesky

Mike Volesky

Chief of Operations

Department of Fish, Wildlife and Parks

/s/ Aimee Hawkaluk

Aimee Hawkaluk

Rule Reviewer

Certified to the Secretary of State June 10, 2021.