

BEFORE THE DEPARTMENT OF FISH, WILDLIFE AND PARKS  
OF THE STATE OF MONTANA

In the matter of the adoption of a ) NOTICE OF ADOPTION OF A  
temporary emergency rule closing the ) TEMPORARY EMERGENCY RULE  
Belt Creek within Sluice Boxes State )  
Park from Logging Creek Bridge to )  
Riceville Bridge Parking Area in )  
Cascade County )

TO: All Concerned Persons

1. The Fish, Wildlife and Parks Commission (commission) authorizes the Department of Fish, Wildlife and Parks (department) to adopt temporary emergency rules to close public waters to public use as provided in ARM 12.11.6601 through 12.11.6605.

2. The department has determined the following reasons justify the adoption of a temporary emergency rule:

(a) A log jam has created an obstruction in a narrow, steep-walled section of a canyon that has caused the creek to be impassable by recreationists.

(b) Persons recreating on the creek in this condition would be subjected to:

(i) collisions with the log jam;

(ii) becoming stranded and having to hike out of steep canyon areas; or

(iii) drowning.

(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. 10 of the 2010 Montana Administrative Register.

3. 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 11, 2010, to advise us of the nature of the accommodation that you need. Please contact Jessica Fitzpatrick, Fish, Wildlife and Parks, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-9785; fax (406) 444-7456; or e-mail [jfitzpatrick@mt.gov](mailto:jfitzpatrick@mt.gov).

4. The temporary emergency rule is effective May 18, 2010 when this rule notice is filed with the Secretary of State.

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

RULE I BELT CREEK TEMPORARY EMERGENCY CLOSURE

- (1) The closed portion of Belt Creek is located in Cascade County.
- (2) Belt Creek is closed to all floating within in the seven mile stretch of waters flowing through Sluice Boxes State Park from Logging Creek Bridge over Belt Creek on United States Forest Service Road 839 (River Mile 58.5) to Riceville Bridge Parking Area on Evans Riceville Road (River Mile 51).
- (3) This rule is effective as long as there is a log jam on Belt Creek and the department determines this portion of the creek is again safe for floating and rescinds the temporary emergency closure.

AUTH: 2-4-303, 87-1-303, MCA  
IMP: 2-4-303, 87-1-303, MCA

6. The rationale for the temporary emergency rule is as set forth in paragraph 2.
7. This rule will expire as soon as the department determines the creek is again safe for floating. Signs restricting use of the creek will be removed when the rule is no longer effective. Notice of repeal of this emergency rule will be published in the Montana Administrative Register.
8. Concerned persons are encouraged to submit their comments to the department. They should submit their comments along with their names and addresses to Jessica Fitzpatrick, Legal Unit, Department of Fish, Wildlife and Parks, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-9785; fax (406) 444-7456; or e-mail [jfitzpatrick@mt.gov](mailto:jfitzpatrick@mt.gov). Any comments must be received no later than July 2, 2010.
9. 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, faxed to the office at (406) 444-7456, or may be made by completing the request form at any rules hearing held by the department.
10. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

/s/ Robert N. Lane  
Robert N. Lane  
Department of Fish, Wildlife and Parks

/s/ William A. Schenk  
William A. Schenk  
Rule Reviewer

Certified to the Secretary of State May 18, 2010.