



MONTANA FISH AND WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

THE **OUTSIDE** IS IN US ALL.

Meeting Date: August 13, 2020

Agenda Item: MDT Clark Fork River Temporary Closure Rule (R2)

Action Needed: Final

Time Needed on Agenda for this Presentation: 5 minutes

Background: The Montana Department of Transportation notified FWP in 2018 of its intention to replace the Conley Avenue bridge over the Clark Fork River in Deer Lodge. The project is expected to be let to contract in November 2020 and construction is expected to extend through November 2021. Public notifications and exact sign locations are being coordinated with the City, County and FWP and may include several access locations upstream and downstream of the bridge site. The actual river closure would be required only in proximity of the bridge site (approximately 100' upstream and downstream).

MDT will require the contractor to provide safe public float passage, including a 40' wide effective opening between in stream construction-related obstructions, and appropriate navigational signage and hazard posting. The vertical clearance will provide approximately 6' of clearance at low flow conditions. MDT anticipates that there will be times when construction activities will create unsafe conditions for the public and requests that FWP be prepared to temporarily close the river on a short-term basis to all use in the proximity of the construction site. MDT has asked the commission to authorize a rule that would let FWP, in consultation with the local commissioner, temporarily close the river on a short-term basis during the construction timeline June 1, 2021 to November 30, 2021. The contractor, with confirmation from MDT, would be required to notify FWP of each occurrence of such a request. FWP would only consider closures in the interest of public safety and if there are no other reasonable alternatives available.

Public Involvement Process & Results:

The department accepted public comment for this proposal from June 29 to July 13. The proposal was publicized through a statewide press release and on the FWP website. No public comments were received.

Alternatives and Analysis:

The commission could choose not to propose a rule that would allow temporary short-term closures of the river during construction. Without this option, emergency conditions might precipitate adoption of an emergency rule to close the river. FWP would prefer the ability to anticipate such needed actions to enhance public notice and safety.

Agency Recommendation & Rationale

FWP recommends the commission propose the rule and initiate public involvement. The rule would allow FWP to assess the contractor's request with input from MDT for a temporary short-term closure and determine whether such action is warranted and whether there are alternatives that would have less impact on recreation opportunities without jeopardizing public safety.

Proposed Motion:

I move the commission approve an annual rule authorizing FWP, in consultation with the local commissioner, to temporarily close a portion of the Clark Fork River on a short-term basis as may be necessary to safely complete removal of the existing bridge and construction of a new bridge on Conley Avenue from June 1, 2021 to November 30, 2021.