

Glenda Wiles

From: Rose, Sharon <shrose@mt.gov>
Sent: Friday, February 13, 2015 4:55 PM
To: Rose, Sharon
Cc: Rose, Sharon
Subject: Proposed Annual Closure Rule for Bitterroot River near Supply Ditch Diversion Dam
Attachments: Annual Rule for Bitterroot River Closure--Proposed Rule.pdf; Annual Rule for Bitterroot River Closure--Supplemental info.pdf

Montana Fish, Wildlife & Parks (FWP) is proposing an annual rule regarding the potential closure of all or a portion of the Bitterroot River from FWP's Woodside Fishing Access Site (FAS) downstream to Tucker Crossing (West) FAS in Ravalli County. The rule would allow for timely decisions on closures to protect public safety, and would also provide information and publicity needed to help keep the public safe.

Attached is a copy of the proposed rule, along with supplemental information explaining the issue.

This information, along with the opportunity to comment online, is also available on FWP's website at: http://fwp.mt.gov/news/publicNotices/fishing/pn_0039.html

Comments may also be mailed to Sharon Rose, Region 2 FWP, 3201 Spurgin Rd., Missoula 59804; phoned 406-542-5540; or emailed to shrose@mt.gov.

Comments must be received by 5 p.m. on March 9, 2015.

Sharon Rose
Comments Coordinator, Region 2
Montana Fish, Wildlife & Parks
3201 Spurgin Rd., Missoula, MT 59804
406-542-5540
Fax 406-542-5529
shrose@mt.gov



Montana Fish, Wildlife & Parks

Bitterroot River Closure Rule

I. PURPOSE

(1) The following rules govern any possible temporary closure of a portion of the Bitterroot River surrounding the Supply Ditch Diversion Dam to protect public safety.

(2) The dam is a low-head structure that creates dangerous currents that have caused numerous boat accidents including a fatality.

(3) During flood stages, portage around the dam is very difficult.

(4) Conditions are unpredictable and an immediate temporary closure may need to be instated to educate the public and address the safety concerns around the dam.

(5) The Fish and Wildlife Commission (commission) is outlining the circumstances that the Department of Fish, Wildlife and Parks (department) may temporarily close all or a portion of the Bitterroot River between Woodside Fishing Access Site and Tucker West Fishing Access Site.

II. BITTERROOT RIVER TEMPORARY CLOSURE REQUIREMENTS

(1) The department may close a portion or the entire length of the Bitterroot River between Woodside Fishing Access Site and Tucker West Fishing Access Site when:

(a) danger at the dam is heightened; and

(b) alternative ways to avoid the dam are difficult or impossible to navigate.

(2) The department must reopen the Bitterroot River as soon as the flows are below 4000 cubic feet per second at the USGS Missoula Gauge or July 10, whichever occurs first.

(3) This rule does not affect any rules that may be adopted to address unforeseen temporary, emergency situations.

Legal Review

Commission

**Supplemental Information for the
Proposed Annual Rule for the
Supply Ditch Diversion on the Bitterroot River**

*Region 2 FWP
3201 Spurgin Rd., Missoula, MT 59804; phone 406-542-5500
February 2015*

Enclosed, you will find a proposed FWP annual rule regarding the potential closure of a portion of the Bitterroot River from FWP's Woodside Fishing Access Site (FAS) downstream to Tucker Crossing (West) FAS in Ravalli County. Below is more information and explanation about this proposal.

Around 2011, the Bitterroot River shifted its primary flow into a new stream channel and over the Supply Ditch Diversion (hereafter, diversion or dam). The diversion has a deceptive, recirculating hydraulic that has capsized and trapped boats. After 2011, accidents were reported, and FWP placed signs at access sites and on the river to notify users of the danger. Despite efforts to educate river users, there were several accidents and one fatality in 2013. Further notification occurred through signs and newspaper articles after the fatality, and there were no more accidents in 2013. However, in early spring of 2014, at least two more accidents occurred. Therefore on April 11, 2014, FWP initiated an emergency rule closure for user safety on a five-mile section of the Bitterroot River, from Woodside Crossing FAS downstream to Tucker Crossing (West) FAS. The closure allowed FWP to install signs at more locations along the river and larger signs at the appropriate FASs. There were no more accidents in 2014, but this year's situation is unpredictable.

The proposed rule allows the Fish and Wildlife Commission to close all or a portion of the Bitterroot River from Woodside FAS to West Tucker FAS, if conditions warrant. More specifically, a closure may be implemented if: 1) danger at the dam is heightened, and 2) alternative routes past the diversion are impossible or difficult to use.

This situation is most likely to occur during spring and early summer when the river is unpredictable. For example, the river can change course, deposit trees and debris at or near the dam and boat landings, and/or erode banks where signs are placed to direct safe use. In addition, use of the river increases during warmer weather that coincides with high flows. An alternative route for users is important

so that floaters have a safer route past (around) the dam rather than over it. Currently, there is a portage that is usable for a majority of users at moderate to low flows. At higher flow it becomes difficult for many users. However, the west channel (that formally had most of the flow) may be passable at higher flows. If all floaters could and would use this channel to avoid possible dangerous conditions at the diversion dam, a closure would not be necessary.

If a closure were to be implemented, FWP would re-open that stretch of the river by Friday, July 10 or when the USGS gauge at Missoula drops below 4000 cfs, whichever occurs earliest. We are able to give a more precise condition for opening than closing, because river conditions entering summer are more predictable. During early July, flows drop, the river form is stable and large debris is no longer being transported. The flow of 4000 cfs was judged by FWP staff (with swift-water rescue training) to be when the portage at the dam would be usable by floaters with widely varying levels of experience.

FWP would prefer to keep the river open. We educate the public about the unpredictable nature of the rivers and the hazards we are aware of. Individual users decide what's appropriate based on the current river conditions, craft they are using and their skill level. It is impossible for us to know or anticipate unsafe conditions for each user. Nevertheless, keeping the option of a river closure is important in this case because: 1) of the potential frequency and severity of accidents, and 2) interviews with people involved in past accidents at the Supply Ditch Diversion have revealed a wide variety of skill levels and craft.

FWP and stakeholders have been actively raising funds to modify the diversion so that river users can pass the dam safely and irrigators receive their water. Our hope is to begin construction in the spring of 2016.