



1400 S 19th Ave
Bozeman, MT
59718

December 9, 2022

Dear Interested Citizen:

Thank you for your review of our proposal to enter a 10-year no-cost recreation lease of Ruby Dam FAS from Montana Department of Natural Resources and Conservation (DNRC). Montana Fish, Wildlife & Parks (FWP) has leased this site from DNRC for many years and this lease is a continuation of that partnership. This lease provides walk-in access to the Ruby River and other recreational opportunities for local residents and visitors alike at this site and it is FWP's decision to approve this lease agreement.

Enclosed is a decision document in which I explain my rationale for approving the proposed recreational lease at Ruby Dam FAS as proposed under the preferred action (Alternative A) in the draft environmental assessment (EA). Upon completion of the public involvement process and by inclusion of information noted in this Decision Notice, FWP accepts the draft EA as final. FWP did not receive any public comments on the proposed proposal.

Please feel free to contact me at 406-577-7890 with any questions you may have. Thank you for your interest and participation.

Sincerely,

Marina Yoshioka
Region 3 Supervisor

**Decision Notice for the Draft Environmental Assessment:
Ruby Dam FAS Lease Agreement**
December 2022

PROPOSAL

Type of Proposed State Action

Montana Fish, Wildlife & Parks (FWP), proposes to enter a 10-year no-cost recreational lease of Ruby Dam FAS from Montana Department of Natural Resources and Conservation (DNRC).

NARRATIVE SUMMARY OF THE PROPOSED ACTION

Ruby Dam Fishing Access Site (FAS) is a day-use site at the mouth of Ruby Dam about 7 miles south of Alder on the Ruby Dam Road. FWP operates Ruby Dam FAS under a no-cost recreational lease from DNRC. The most recent lease expired in August 2022 and FWP wishes to enter a new lease on that site from February of 2023–December 2032. The major terms in the lease remain the same as before: FWP would be responsible for recreational management and maintenance of the site, including weed control, routine road maintenance, and upkeep of the latrine. Any additional improvements or change in infrastructure would be covered by a future Environmental Assessment (EA) and public involvement process.

ALTERNATIVES

Alternative A--Proposed Action: The Department would enter a 10-year no-cost recreational lease with DNRC for Ruby Dam FAS.

Under this alternative, FWP would lease Ruby Dam FAS from DNRC for the purposes of providing public access and recreation opportunities to the public at that site. FWP would be responsible for recreational management and maintenance of the site, including weed control, routine road maintenance, and upkeep of the latrine.

Alternative B--No Action: The Department would not enter a new lease with DNRC for Ruby Dam FAS.

If no action is taken, FWP would not enter a new lease with DNRC for Ruby Dam FAS. If FWP does not enter a new lease, the public would still have access to the property, but the site would not be managed specifically for public recreation, which would likely diminish the public's use and enjoyment of the site. Public sanitation would also likely be negatively impacted, as the existing latrine would be removed.

PUBLIC REVIEW PROCESS

Montana DNRC completed an EA for this project in July 2022 and no significant or cumulative impacts from the proposed project were identified. Beneficial impacts to the human

environment from the proposed project in the form of enhanced recreation and sanitation were noted and DNRC selected the Action Alternative (proceeding with the lease with FWP). DNRC received no public comment during a 30-day public involvement period. As allowed under ARM 12.2.441, FWP adopted DNRC's EA and completed an additional 15-day public comment period from November 23-December 7, 2022. The EA could be viewed on the FWP website at <https://fwp.mt.gov/public-notices> or by contacting the Region 3 office at (406) 577-7862. Comments could be submitted to FWP via mail or email. Legal notices for the availability of the draft EA were published in the Bozeman Chronicle and Independent Record on December 4, 2022, and email notifications were sent to FWP's Region 3 interested persons list.

Public Comments

Neither FWP nor DNRC received any public comments regarding the proposed lease during the public comment process.

DECISION AND RECOMMENDATION

Based upon the Draft Environmental Assessment and the applicable laws, regulations, and policies, I have determined that the proposed action will not have significant negative effects on the human and physical environments associated with this project. Therefore, I conclude that the EA is the appropriate level of analysis, and the preparation of an Environmental Impact Statement is unnecessary.

This proposal is for FWP to enter a 10-year no-cost recreational lease with DNRC for Ruby Dam FAS and to continue to provide recreational management, road maintenance, and sanitation facilities at that site. FWP and DNRC did not receive any public comments during their respective public comment periods. The proposal was well publicized first when DNRC published their EA and then when FWP adopted DNRC's EA and initiated a second public comment period. In consideration of these facts and with the addition of this Decision Notice (DN), the draft EA and this DN are hereby made the final EA.

Based on the analysis in the draft EA I have selected the "Proposed Action" (Alternative A). FWP will enter a 10 year no-cost recreational lease with DNRC for Ruby Dam FAS as identified in the Draft EA.



Marina Yoshioka
Region 3 Supervisor
Montana Fish, Wildlife & Parks

12/12/22

Date