



DECISION NOTICE

Chartier Private Pond License Review

FWP-CEA-FSH-R4-23-010

9/8/2023

ACTION

Decision Notice (DN). Montana Fish, Wildlife & Parks (FWP) shall prepare a DN for the proposed action. The DN must identify the agency decision, the reasons for the decision, and any special conditions surrounding the decision or its implementation.

With this action, FWP hereby adopts the Draft Environmental Assessment or Draft EA as final, without modification, and approves Alternative 2, the proposed action.

AUTHORITY: MONTANA ENVIRONMENTAL POLICY ACT

According to the applicable requirements of the Montana Environmental Policy Act or MEPA and its implementing rules and regulations, before a proposed action may be approved, environmental review must be conducted to identify, consider, and disclose any potential impacts of the proposed action on the affected human environment. The level of environmental review will vary with the complexity and seriousness of environmental issues associated with a proposed action. The level of public interest will also vary. The agency is responsible for adjusting public review to match these factors. *Title 75, Chapter 1, Parts 1 through 3, Montana Code Annotated (MCA)*.

Based on these factors, FWP determined a Checklist EA (Draft EA) constitutes the appropriate level of review for the proposed action. Therefore, to assess and disclose potential impacts of the proposed action, FWP prepared a Draft EA for public review and comment. See *Public Participation Process* below.

Further, FWP must consider any substantive comments received in response to an EA and proceed in accordance with one of the following steps: determine the EA did not adequately reflect the issues raised by the proposed action and issue an Environmental Impact Statement or EIS; determine the EA did not adequately reflect the issues raised by the proposed action and issue a supplemental EA; or determine the Draft EA adequately addressed the issues raised by the proposed action and make a final decision, with appropriate modification resulting from the analysis provided in the Draft EA and the analysis of any substantive public comments received. See *Public Comment and FWP Response* below.

PUBLIC PARTICIPATION PROCESS

The Draft EA was made available for public review and comment from August 10, 2023 – August 25, 2023. A

legal Notice was published in Great Falls Tribune and the Draft EA was posted on FWP's Public Notice webpage: <https://fwp.mt.gov/news/public-notices>. The Draft EA was also made available for public review on the Environmental Quality Council or EQC website: <https://leg.mt.gov/mepa/search/>, by individual request, and through notice to identified interested parties. FWP received comments during the public comment period.

DESCRIPTION OF PROPOSED ACTION

A private landowner is applying for a Private Fish Pond License and proposes to stock rainbow trout in an unnamed private pond. The pond is a 1.5 surface acre pond located on East Hunter Road, Sand Coulee, MT.

The pond is located on an unnamed tributary of Sand Coulee Creek near the town of Sand Coulee with no documented fish presence. The pond is fed by a perennial spring. The outlet is a spillway around the east end of the dam. The discharge is perennial and flows 4.1 miles into Sand Coulee Creek which flows 14.8 miles into the Missouri River. There are no documented Montana Species of Special Concern in Sand Coulee Creek.

Risk of escapement is high during high flow events, but associated risks are minimal. Rainbow trout are not native to Sand Coulee Creek, or the Missouri River, and adverse genetic effects are unlikely. Rainbow trout could be removed from the pond via chemical treatments or stocking can be stopped to let the fish age out.

The project is sponsored by the private landowner and the license would be active for a period of 10-years from the year of issuance (2023). The license can be renewed for additional 10-year intervals at the end of each term and the license is transferable.

PURPOSE AND NEED

The purpose of this project for a private landowner to stock rainbow trout in the private pond located at T19N R4E S27.

ALTERNATIVES ANALYZED

Alternative 1: No Action

In addition to the proposed action, and as required by MEPA, FWP analyzes the "No-Action" alternative in the EA. Under the No-Action alternative, the proposed action would not occur. Therefore, no additional impacts to the human environment would occur. The No Action alternative forms the baseline from which the potential impacts of the proposed action may be measured.

Under the No Action alternative FWP would not issue the Private Fish Pond License, no action would occur, and the status quo would be maintained.

Alternative 2: Proposed Action

Under the Proposed Action, FWP would issue the Private Fish Pond License to the applicant, rainbow trout from a state approved source would be stocked in the reservoir, and the statutory obligations of MCA 87-4-603:610 would be abided and enforced.

PUBLIC COMMENT AND FWP RESPONSE

FWP received substantive public comments on the Draft EA. A substantive public comment was defined as the identification of a specific issue or impact. The following provides the public comments received and FWP response(s):

Comment 1 (2 emails from the same account):

“Would need more information. Could flooding ever release those fish into another wild fishery?

Seeing how a neighbor of mine was treated negatively when wanting to have a pond for his family's enjoyment years ago, I would say no to a pond of this size. Whose to say a flood couldn't release sick fish into a public water? It's pretty clear the possibility exists. But I suppose the property owner is well off financially and will get better treatment than my neighbor. It will increase the value of that property and he will probably sell it at great profit. “

FWP response:

Risk of fish escapement is high during high flow events, but associated risks are minimal. Rainbow trout are not native to Sand Coulee Creek, or the Missouri River, and adverse genetic effects are unlikely. Rainbow trout could be removed from the pond via chemical treatments or stocking can be stopped to let the fish age out.

DECISION

Based on the environmental review provided in the Draft EA, and in accordance with all applicable laws, rules, regulations, and policies, FWP determined the proposed action (Alternative 2), will not have significant adverse impacts on the human environment associated with the proposed action and constitutes a reasonable and appropriate strategy to achieve identified objectives. Therefore, preparation of an EIS is unnecessary. FWP hereby adopts the Draft EA as final and approves the Alternative 2, the proposed action.

With this DN, FWP hereby adopts the Final EA, with modifications, and approves the proposed action.

Sincerely,

A handwritten signature in cursive script that reads "Jason Rhoten".

Jason Rhoten
Regional Supervisor, Region 4
Montana Fish, Wildlife & Parks