



DECISION NOTICE

Savoy Private Pond License Review

FWP-CEA-FSH-R4-23-022

11/27/2023

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 November 3, 2023 – November 23, 2023. A legal Notice was published in the Great Falls Tribune and the Draft EA was posted on FWP's Public

Notice webpage: <https://fwp.mt.gov/news/public-notice>. 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 did not receive 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 brook trout and westslope cutthroat trout in an unnamed private pond. The pond is 1 surface acre and is located on 911 Mission Rd, Cascade MT.

The pond is located on a tributary of Little Muddy Creek near the town of Cascade, MT with the known presence of brook trout existing in the pond. The pond is fed by a perennial ground spring and by Smith Creek. The outlet is a free-standing outlet pipe around the NW end of the dam which is also Smith Creek. The discharge is perennial and flows 1 mile into Saint Johns Creek which flows 9.3 miles into Little Muddy Creek which then flows 22.9 miles to the Missouri River. There are no documented Montana Species of Special Concern in Little Muddy Creek. Brook trout are not native to Little Muddy Creek, or the Missouri River.

Risk of escapement is high during high flow events, but associated risks are minimal, given presence in drainage. Westslope cutthroat trout are native to MT, but are not present in drainage, presenting no adverse genetic effects with wild fish. Brook trout and westslope cutthroat trout could be removed from the pond via chemical treatments or stocking can be stopped to let the fish age out. The outlet pipe shall be screened to limit downstream dispersal of stocked fish and prevent/limit escapement.

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 is for a private landowner to stock brook trout and westslope cutthroat trout in the private pond located at T18N R2W S17.

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, eastern brook trout and westslope cutthroat 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.

Private landowner is also obligated to install fish screen on outlet pipe to prevent/limit downstream dispersal of stocked fish.

PUBLIC COMMENT AND FWP RESPONSE

No public comments were received during the public comment period.

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 black ink that reads "Jason Rhoten". The signature is written in a cursive, flowing style.

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