



DECISION NOTICE

Saddlehorn Private Pond

FWP-DN-FSH-R1-24-016

8/12/24

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 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 environmental assessment 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 7/3/24 – 7/18/24. 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

The proposed project is to permit Saddlehorn II LLC to stock westslope cutthroat trout and rainbow trout into a private pond located on their property. The pond is a 0.1391 acre pond on Barndance Trail near Bigfork, MT. The pond has been excavated, lined, and filled with water from a well adjacent to the pond. The pond is not located near any natural stream or water body. Overflow from the pond would flow through a culvert before flowing overland in an adjacent meadow. Outflow is unlikely to reach surface water in any water body.

PURPOSE AND NEED

A private pond permit is required to stock privately-owned, man-made ponds.

ALTERNATIVES ANALYZED

Alternative 1: No Action

Under the No Action alternative under the no action alternative the private pond permit application would be denied and stocking fish into this pond would be prohibited.

Alternative 2: Proposed Action

Under the Proposed Action, Saddlehorn II LLC would be permitted to stock westslope cutthroat trout and rainbow trout into their pond.

PUBLIC COMMENT AND FWP RESPONSE

No comments were received on the draft EA.

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.

Sincerely,



Lee Anderson
Regional Supervisor
Montana Fish, Wildlife & Parks