



## DECISION NOTICE

### [Mark Terry Private Fish Pond License]

December 31, 2024

#### **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 12-11-2024 to 12-26-2024. 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 received one comment during the public comment period (below).

#### **DESCRIPTION OF PROPOSED ACTION**

The project consists of stocking westslope cutthroat trout or sterile rainbow trout from certified hatcheries in a private pond near Petty Creek in Missoula County. The pond was constructed on private property with the intent of providing fish for angling and was previously licensed for these fish species.

#### **PURPOSE AND NEED**

The project will provide the landowner with the opportunity to stock approved fish from a state approved hatchery in the constructed pond.

## **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 continued trout stocking and angling opportunity would not be available for the landowner in his private pond.

### **Alternative 2: Proposed Action**

Under the Proposed Action, the private pond will be stocked with westslope cutthroat trout or sterile rainbow trout from an FWP approved hatchery source to provide angling opportunity for the landowner at the private pond.

## **PUBLIC COMMENT AND FWP RESPONSE**

ONE COMMENT WAS RECEIVED:

COMMENT: 'Why are tax payers paying for some private pond's enjoyment. Seems like a waste.' Received 12-13-2024

FWP RESPONSE: The private fish pond review and licensing process and justification were established by the Montana Legislature and are a requirement under FWP's private pond licensing program. Fees associated with the license are paid by the applicant and no tax payer money is used.

## **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 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, without modifications, and approves the proposed action.

Sincerely,



Kendra McKlosky  
Region 2 Supervisor  
Montana Fish, Wildlife & Parks