



## DECISION NOTICE

### Arntzen Private Pond License Review

FWP-CEA-FSH-R4-24-011

04/26/2024

#### **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 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 April 12, 2024 – April 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 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, brown trout and rainbow trout. FWP is required to review the potential impacts of issuing a Private Fish Pond License. The pond is located on an ephemeral drainage that feeds into Dog Creek. The pond has a manmade dam, and the drainage upstream has two additional small reservoirs. The outlet will be an overflow pipe. Water from the outlet flows approximately half a mile before joining Dog Creek. Dog Creek has a typical prairie fish assemblage with no documented Montana Species of Special Concern or sportfish present. Risk of escapement is likely. The outlet pipe is very small and could not handle large flow events. It is only slightly lower in elevation than the spillway. It is likely that during high flows trout would escape to Dog Creek, but they would not be able to persist because of poor habitat conditions and dewatering. Impacts would be minimal and short in duration. 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 (2024). 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 is to issue a Private Fish Pond License for a private landowner to stock rainbow trout, brook trout and brown trout in the private pond located at T18N R18E S12 SESESE, only after careful review of potential impacts to State fish and wildlife resources stemming from the proposed fish stocking.

### **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, brook trout and brown trout from a state approved source could be stocked in the reservoir, and the statutory obligations of § 87-4-603:610 MCA would be abided and enforced.

### **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 and approves the proposed action.

Sincerely,

A handwritten signature in black ink that reads "Jason Rhoten". The script is cursive and fluid, with the first letter of each word being capitalized and prominent.

Jason Rhoten  
Region 4 Supervisor  
Montana Fish, Wildlife & Parks