



DECISION NOTICE

Arrington Ranch Private Pond License Review

FWP-CEA-FSH-R4-24-040

11/15/2024

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 October 30, 2024 – November 14,

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 in support of the pond permit during the public comment period.

DESCRIPTION OF PROPOSED ACTION

A private landowner is applying for a 1-year Temporary Fish Pond License and proposes stocking rainbow trout and/or brown trout in a private pond. The pond is roughly 5.25 surface acres and is located at 7872 Lincoln Rd, Canyon Creek, MT. The pond is believed to be natural and is sourced by groundwater. This pond has not been approved for fish stocking previously, and it is not believed to contain any fish. There is no inlet or established outlet. At extreme high-water levels, water would drain to the northeast toward an irrigation ditch that eventually drains to a field and does not return to any streams. Additionally, there is another nearby irrigation ditch that could spill into the pond at extreme high flows and/or with irrigation ditch damage. The irrigation ditch is sourced from Little Prickly Pear Creek, however, escapement from the pond to the irrigation ditch is unlikely. The Little Prickly Pear Creek fishery contains rainbow trout, brown trout, and brook trout. Stocking this pond creates minimal risk for this fishery. Additionally, fish 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 is a one-time stocking license valid for the 2025 license year. Additional 1-year licenses can be acquired in the future if the landowner reapplies. A person who owns or lawfully controls a fish pond that does not meet the requirements of a pond by statute (MCA 87-4-603(3)) but is determined by the department to not pose an unacceptable risk to game fish or fish species of concern in adjacent waters may apply to the department for a temporary fish pond license. This pond does not meet the definition of the pond in subsection 3 of MCA 87-4-603.

PURPOSE AND NEED

The purpose of this project is to issue a 1-year Temporary Fish Pond License for a private landowner to stock rainbow trout and/or brown trout in the private pond located at T12N R5W S22, 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 1-year Temporary Fish Pond License to the applicant, rainbow trout and/or 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

One comment was received during the public comment period.

Comment: I believe that the Arrington Ranch Pond License should be issued. There is no risk to any native Trout populations. Granting the License would provide additional recreational opportunities.

FWP Response: Thank you for your comment.

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 cursive script that reads "Jason Rhoten".

Jason Rhoten
Region 4 Supervisor
Montana Fish, Wildlife & Parks