



DECISION NOTICE

Petranek Private Pond License Review

FWP-CEA-FSH-R4-24-010

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 rainbow trout and brown 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 Cottonwood Creek. From there Cottonwood Creek flows into Murphy Coulee, Armells Creek, and eventually the Missouri River near Fred Robinson Bridge. The pond has a manmade dam and collects water from a very small drainage upstream. Cottonwood Creek, Murphy Coulee and Armells Creek do not have Montana State Species of Special Concern present or valuable sportfishing opportunities. Rainbow Trout and Brown Trout would not be able to persist in these streams, so any escapement impacts would be minimal and short term in duration. During an extreme high flow event there is a slight chance that rainbow trout or brown trout could make it all the way to the Missouri River. There are already other sources of rainbow and brown trout in the Missouri River below Moroney Dam, and any trout escapement from this pond would not be expected to have any additional impacts to the system. The outlet pipe is already screened to prevent 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 (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 and brown trout in the private pond located at T20N R21E S31 NENE, 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 and brown trout from a state approved source would 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 signature is written in a cursive, flowing style.

Jason Rhoten
Region 4 Supervisor
Montana Fish, Wildlife & Parks