



## DECISION NOTICE

### Shop Pond Private Pond License Review

FWP-CEA-FSH-R4-24-039

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, 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 October 30<sup>th</sup> to November 14<sup>th</sup>, 2024. The Draft EA was posted on FWP's Public Notice webpage: <https://fwp.mt.gov/news/public-notices>. 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.

### **DESCRIPTION OF PROPOSED ACTION**

A private landowner is applying for a Private Fish Pond License and proposes to stock rainbow trout, brown trout, and westslope cutthroat trout in an unnamed private pond. The pond is roughly 2.8 surface acres and is located on 48 Pleasant View Farm Ln Oilmont, MT. The pond is located on an unnamed coulee of Twomile Coulee Creek which is part of the Willow Creek drainage. There is no confirmed presence of fish existing in the pond but landowner states potential of minnow species. The pond is fed by overland snow melt and drainage from nearby fields. There is no established outlet but there is a slight spillway channel that navigates water into the coulee. The overflow discharge is rare and would flow 850 ft down the unnamed coulee to Twomile Coulee Creek which is 1.2 miles upstream of Willow Creek. Willow Creek is a seasonally dry tributary to Tiber Reservoir. Northern redbelly dace have been documented in the lower portion of Willow Creek and is the only documented Montana Species of Special Concern. Most trout species are not native to Willow Creek however, risk of escapement is low and associated risks are minimal. Westslope cutthroat trout are native to MT, but conservation populations are not present in drainage, presenting no adverse genetic effects with wild fish. 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 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 is for a private landowner to stock rainbow trout, brown trout or westslope cutthroat in the private pond located at coordinates 48.83375, -111.64332.

### **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 to stock the reservoir with rainbow trout, brown trout or westslope cutthroat trout from a state approved source, and the statutory obligations of MCA 87-4-603:610 would be abided and enforced.

### **PUBLIC COMMENT AND FWP RESPONSE**

One public comment was received in support of issuing the Private Fish Pond License.

**Comment:** To Whom It May Concern,

I would like to provide you with my comments on the Shop Pond License Review. I believe the permit should be granted and the pond stocking provides no risk to native Trout populations. Thank you for your consideration in this matter.

**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 black ink that reads "Jason Rhoten". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Jason Rhoten  
Regional Supervisor – Region 4  
Montana Fish, Wildlife & Parks