



## DECISION NOTICE

### Whitefish Ridge Partners Private Pond

### FWP-DN-FSH-R1-25-003

03/06/2025

#### **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, with modifications, 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 January 24, 2025, through February

8, 2025. 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 comments from two individuals during the public comment period.

### **DESCRIPTION OF PROPOSED ACTION**

The applicant is proposing to stock an existing pond on Whitefish Ridge Road with cutthroat, rainbow and brown trout. The lined pond is approximately 1.5 acres and is well fed. Groundwater also likely influences water level. Outflow from the pond is unlikely but would leave the pond through a metal outlet pipe. Water would then flow approximately two miles overland to the Stillwater River. Survival of any fish escaping the pond is very unlikely. Fish stocking, if permitted, would occur following ice off.

### **PURPOSE AND NEED**

- The applicant is proposing to stock his pond with rainbow, cutthroat and brown trout.
- The applicant would purchase fish from a private hatchery for stocking into this pond.
- If permitted, stocking could occur anytime through the year.

### **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 a Temporary Fish Pond Permit would not be issued and the applicant could not legally stock fish into this pond.

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

Under the Proposed Action, a Temporary Fish Pond Permit would be issued, permitting Whitefish Ridge Partners to stock rainbow trout and westslope cutthroat trout into their pond.

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

FWP received substantive public comment on the Draft EA. A substantive public comment was defined as the identification of a specific issue or impact. In some cases, multiple individuals provided the same or similar comment; these comments were summarized, categorized, listed once, and a single FWP response is provided below. The following constitutes a synopsis of public input received and FWP's response to those comments.

Comment 1: Brown trout are not present in the Flathead Drainage. Permitting brown trout stocking would introduce a new species into the drainage that may become invasive and impact existing fisheries.

FWP response: The FWP region 1 Private Fish Pond Stocking Policy limits permitted species to westslope cutthroat trout, rainbow trout and largemouth bass. Brown trout are not permitted and, therefore were not analyzed in this EA.

Comment 2: The pond proposed for permitting appears to be a natural pond and not eligible for a private pond permit.

FWP response: Upon review of aerial photos, it appears this pond was originally a natural shallow pond or wetland that was excavated at an unknown time. Natural water bodies, even if modified, are not eligible for a private pond permit. This pond is eligible for and will be issued a Temporary Fish Pond Permit.

#### **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), as modified, 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.

With this DN, FWP hereby adopts the Final EA, with modifications, and approves the proposed action. A summary of major conclusions and supporting information from the Draft EA stating where such conclusions and information were changed from those which appeared in the Draft EA is included above in FWP's responses to comments and clearly identified within the Final EA.

Sincerely,

A handwritten signature in black ink that reads "Amber Steed". The signature is fluid and cursive, with the first name "Amber" and last name "Steed" clearly distinguishable.

Amber Steed  
Acting Regional Supervisor  
Montana Fish, Wildlife & Parks