



## DECISION NOTICE

### ME Montana LLC Private Pond Permit Application

6/10/25

#### **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 05/19/2025 to 06/03/2025. 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 did not receive comments during the public comment period.

### **DESCRIPTION OF PROPOSED ACTION**

The applicant is proposing to stock a newly constructed pond in the Elk Highlands area north of Whitefish with westslope cutthroat trout, rainbow trout and largemouth bass. The lined pond is approximately .9 acres and is well fed. Outflow from the pond is regulated by a headgate structure draining to the forested mountain side. Released water would flow overland through the forest. It is very unlikely water from the pond would reach Hell Roaring Creek, the nearest surface water. Survival of any fish escaping the pond is very unlikely. Fish stocking, if permitted, would occur when the applicant receives a permit.

### **PURPOSE AND NEED**

- The applicant is proposing to stock his pond with rainbow trout, westslope cutthroat trout and largemouth bass.
- The applicant would purchase fish from a private hatchery for stocking into this pond.
- If permitted, stocking could occur anytime over the following ten years.

### **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, this pond would not be permitted to be stocked with fish, the pond would remain fishless and the current biological community would not change.

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

Under the Proposed Action, the applicant would receive a private pond permit allowing him to stock his pond with westslope cutthroat trout, rainbow trout and largemouth bass.

### **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, with modifications, and approves the proposed action.

Sincerely,

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

Amber Steed  
Region One Supervisor  
Montana Fish, Wildlife & Parks