



DECISION NOTICE

Y5 Holdings LLC Private Fish Pond License

4/22/2025

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, 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 February 9, 2024 to February 27, 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.

One comment was received during the advertised period.

DESCRIPTION OF THE PROPOSED ACTION:

The Department will issue a private fish pond license to Y5 Holdings LLC to stock westslope cutthroat trout and rainbow trout into the pond located at 2922 Y5 Ranch Road near Victor, MT. The pond is located in Ravalli County in the Bitterroot River drainage.

PURPOSE AND NEED

Issuing a private fish pond license will provide the pond owner the opportunity to stock fish from a state approved source into the licensed pond for personal use and enjoyment.

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 an angling opportunity for the species requested would not be available for the landowner in their private pond.

Alternative 2: Proposed Action

Under the Proposed Action, the private pond will provide an angling opportunity for the landowner in their private pond.

PUBLIC COMMENT AND FWP RESPONSE

Comment 1:

I oppose this license for a private pond. MarkvSavinski, 25 Sundowner Rd., Sheridan, MT. 59749.

Department Response:

The commentor provided the same comment for several other ponds in Region 3 that were open for comment at the same time of the Y5 Holdings, LLC pond. The Region 3 Fisheries Manager contacted the individual for more detail and was provided with the following response:

I am opposed to the Braxton, Kenyon, Jacobsen private ponds, and the one near Victor, MT put forth by an LLC. Unless the public has access to these areas, I am opposed. Also, do these individuals pay to have the fish stocked, and where are the fish coming from? Thank you, Mark Savinski.

The department response from the Region 3 Fisheries Manager was the following:

Hello Mark,

The landowner works with private hatcheries that have been inspected and approved by FWP to stock approved private ponds. The owner can stock the pond with the species stipulated in their license at their

own expense. No fish from state hatcheries or funds from FWP are used for these ponds unless we've entered into an agreement with the landowner that stipulates public access.

Mike

Mike Duncan

Region 3 Fisheries Program Manager

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.

Sincerely,

A handwritten signature in blue ink that reads "Kendra McKlosky". The signature is written in a cursive, flowing style.

Kendra McKlosky
Region 2 Regional Supervisor
Montana Fish, Wildlife & Parks