



DECISION NOTICE

Bergeron Private Pond License Review

FWP-CEA-FSH-R4-25-019

5/13/2025

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 April 22, 2025 – May 6, 2025. 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.

DESCRIPTION OF PROPOSED ACTION

A private landowner is applying for a Private Fish Pond License and proposes to stock brook trout, brown trout, and westslope cutthroat trout. FWP is required to review the potential impacts of issuing a Private Fish Pond License. The pond was originally permitted in 2023 for rainbow trout which are still currently present in the pond. The landowner is currently permitted to stock rainbow trout; however, a new permit is required to add brook trout, brown trout, and westslope cutthroat trout to the species allowed to be stocked in this pond.

The pond is 0.25 surface acres and is located at 225 McCoy Road, Belt, MT 59520. The pond inlet is spring fed by ground water. The pond outlet drains approximately 300 meters in an unnamed coulee before reaching Box Elder Creek, which is a tributary to Morony Reservoir on the Missouri River. The outlet from the pond is screened with a wire mesh fish screen that prevents escapement of fish into Box Elder Creek.

Box Elder Creek is a perennial stream that flows about 24 river miles until it drains into the Missouri River (Morony Reservoir). Rainbow trout, brook trout, brown trout and westslope cutthroat trout are already present in the Missouri River drainage. Risk of escapement is very low since the outlet to Box Elder Creek is screened. During extreme high water events it is possible water could flow over the dam into Box Elder Creek, and to the Missouri River where all fish species proposed be stocked are already present in the drainage.

It is unlikely any native Species of Concern reside in Box Elder Creek or Morony Reservoir based on sampling data. Downstream of Morony Reservoir blue suckers, pallid sturgeon, paddlefish, sauger, sturgeon chub, northern redbelly dace, and northern redbelly x finescale dace hybrid could be present in the mainstem or tributaries. Impacts to these Species of Concern would be minimal in the unlikely event trout are flushed from the reservoir and persist, given the minimal habitat overlap with these species, the presence of trout already on the landscape, and since the Missouri River drainage also inhabit other piscivorous fish species such as sauger, walleye, northern pike, smallmouth bass, and channel catfish. Furthermore, any impacts from brook trout, brown trout, and westslope cutthroat trout would be similar to those already permitted with rainbow trout. These impacts are expected to be minimal given the lack of suitable habitat in Box Elder Creek and downstream.

PURPOSE AND NEED

The purpose of this project is to issue a Private Fish Pond License for a private landowner to stock brook trout, brown trout, and westslope cutthroat trout in the private pond located at T19N R6E S29, 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, brook trout, brown trout, and westslope cutthroat trout from a state approved source would be stocked in the pond, and the statutory obligations of MCA 87-4-603:610 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 and Parks