



## DECISION NOTICE

### Mill Creek Phase 2 – 5 Bar 6

### [FWP-DN-FSH-R8-2025-002]

4/25/2025

#### **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 March 31 through April 15, 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. FWP received one comment during the public comment period.

### **DESCRIPTION OF PROPOSED ACTION**

Mill Creek (Park County) is a tributary to the Yellowstone River in the Paradise Valley. It is one of the remaining Yellowstone cutthroat trout strongholds outside of Yellowstone National Park. Past land management included channelization that pushed the channel to the westernmost edge of the valley. Lack of large wood and instream habitat complexity indicates that wood was removed, and the channel became simplified. Despite the limitations, the project area is an important spawning and rearing area for migratory Yellowstone cutthroat trout as it is upstream of dewatering in lower Mill Creek. This project is phase 2 and would continue the restoration on Mill Creek (one mile section) by breaching a historical berm in strategic locations to restore floodplain connectivity, allow side channel formation, and restore natural meadow and stream function. Log jams will be built to create habitat complexity. Reconnection is expected to encourage riparian plant growth. The goal is to improve in-stream and spawning habitat for Yellowstone cutthroat trout and other fish species and to enhance fishing opportunities. FWP's action would be funding this project through the Future Fisheries Improvement Program. The project sponsor is Trout Unlimited and construction is planned for summer 2025 to fall 2026.

### **PURPOSE AND NEED**

One goal within FWP's six-year operations plan for the fisheries program is to "protect, maintain, and restore native fish populations, their habitats, life cycles, and genetic diversity to ensure stewardship of native species." This project is located in an area that is considered critical habitat for Yellowstone cutthroat trout. Additionally, the fisheries management program at FWP intends to "restore and enhance degraded fisheries habitats." By implementing an improvement project and restoring important habitat, this proposed project would help meet this goal. Mill Creek is a tributary to the Yellowstone River and provides spawning habitat for migratory Yellowstone cutthroat trout, as well as rearing habitat for juveniles, and overwinter habitat. In the project area, degradation would be addressed by breaching a berm and building habitat complexity to improve and enhance habitat.

### **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, if no funding is provided through the FFIP, either the applicant would have to seek additional sources of funding to complete the project, or the affected area of Mill Creek would remain impaired for floodplain reconnection, riparian vegetation and habitat complexity.

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

Under the Proposed Action, stream and floodplain restoration would occur on Mill Creek.

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

FWP received one public comments on the Draft EA.

FWP received substantive public comments on the Draft EA. A substantive public comment was defined as the identification of a specific issue or impact. The following provides the public comments received and FWP response(s).

Comment:

Dear Friends, Thank-you very much for the work you are proposing for Mill Creek, using Future Fisheries dollars. The native cutthroat trout can use all the habitat improvement you can throw at them.

Response:

Thank you for the support.

**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 Draft EA, without modification, and approves the proposed action.

Sincerely,

A handwritten signature in cursive script that reads "Peter Brown".

Peter Brown  
Acting Habitat Bureau Chief  
Montana Fish, Wildlife & Parks