

ENVIRONMENTAL REVIEW OF FISH INTRODUCTION PRIVATE POND APPLICATION

Name and address of applicant: Richard J Davis
3900 Cedar Valley Rd.
Helena, MT 59602

Is approval of private pond permit application recommended? - Yes.

Location of pond:

County: Lewis & Clark

Legal description: T11N, R2W, S20, NWSWNW (Lat: 46.6989° Long: 111.89117°)

Name of the drainage where the pond would be located:

- The pond is located in the Prickly Pear Creek/Lake Helena drainage near the Causeway Arm of Hauser Reservoir in the upper Missouri River drainage.

Does pond have legal water rights? (describe)

- Yes. Water right #: 41I 30025226 Ground Water Certificate, which has a fish and wildlife purpose with a priority date of 10/30/2006. The maximum flow rate is the actual amount used up to 35GPM and the maximum volume is limited to the actual amount used up to 10AF. This water right has a period of use and period of diversion that extends only from 1 March to 15 April and from 1 October to 30 November. Remarks on the water right indicate an aerator keeps the pond viable during the winter months when no water is legally available for the pond. In addition, Mr. Davis entered into Water Service Contract No. 079E670133 with the USDI, BOR Canyon Ferry and Helena Valley Unit effective 1 January 2008 with a term of 20 years to provide up to 22 AF of M&I water for the purpose of stock water and fish and wildlife habitat at a cost of \$28.38/AF and an accounting charge of \$250.

Fish species proposed for introduction:

- Rainbow trout & Yellow Perch. Yellow Perch are a species that is not authorized for stocking in licensed private fish ponds in Region 4, north-central Montana as shown in Table 1, page 14 of A Guide to Building and Managing Private Fish Ponds in Montana, MFWP, Fisheries Division July 2006. 32 pp. This document is currently available at the following link: <http://fwp.mt.gov/content/getItem.aspx?id=19293>. Rainbow trout will be the only species further considered for introduction to the pond.

Is this species legally present in the drainage?

- Yes. Rainbow Trout are legally present in the drainage.

Species of Special Concern present in the drainage:

- Species of Special Concern are not present in this portion of the Prickly Pear Creek/Lake Helena drainage. Headwater tributaries populations of pure Westslope Cutthroat trout include Threemile Creek, Skelly Gulch, East Skelly Gulch, and Greenhorn Creek; hybridized

populations are present in Sawmill Gulch and upper reaches of Silver Creek. Planting rainbow trout in this pond does not increase the potential risk to these populations above the existing presence of state stocked fish in Hauser Reservoir or the existing rainbow trout runs into tributaries of Lake Helena. Consequently, stocking this private pond does not threaten those populations.

RISKS:

Potential for impacts on genetic structure of existing fish populations:

None Minor Major

- Rainbow trout are present in this portion of the watershed; 150,000 Eagle Lake, or Arlee stocked in Hauser Reservoir each year. The inlet of this pond and the outlets of ponds on the property are screened to reduce the potential loss of fish. If rainbow trout escaped, the fish from this pond represents little threat to the genetic structure of wild spawning fish or hatchery stocked fish in the drainage. The genetic structure of other species in this portion of the drainage would not be affected in any manner.

Impacts to any life stage of existing fish populations due to competition and/or predation?

None Minor Major

Since one source of water for this pond is from a Water Service Contract from Canyon Ferry Reservoir, there exists a high potential for sport and non-game fish to be conveyed to the pond. The inlet and outlet of the pond are required to be screened; the inlet has been screened with one-inch mesh and the outlet already was screened. However, since this will not prevent larval fish from entering the pond, there is the potential for nongame fish such as white suckers and common carp that would likely dominate the pond biomass after a period of several years resulting in competition with desirable species (i.e., rainbow trout) and an undesirable fisheries management situation. There is also potential for sportfish from upstream to be conveyed into the pond.

Impacts to other forms of aquatic life that may be caused by this introduction?

None Minor Major

- Aquatic invertebrates and amphibian larvae may be consumed by the fish introduced into the pond and densities could be affected.

Potential for the proposed new species to reproduce in this location:

None Minor Major

- A minor potential for reproduction does exist, but an appropriate spawning site is highly unlikely with the outlet and inlet screened.

If necessary, would it be feasible to remove this species after it has been stocked?

- Yes, the pond is only 1.70 surface acres; water levels could be controlled and/or chemically treated to remove fish.

Would this introduction result in impacts that are individually limited, but cumulatively considerable?

- No.

Describe reasonable and prudent alternatives to this action, if any (including no action):

- Do not stock.

Describe and evaluate mitigation, stipulations, or other control measures enforceable by the agency, if any:

- Species restrictions – although yellow perch and rainbow trout were requested to be planted in this pond, only rainbow trout could and will be permitted for this pond. Also, MFWP reserves the right to sample the pond at any time after serving notice at the applicant's address shown above during the term of the private pond license to determine the effectiveness of the screens.

List any other agencies or individuals that may be affected by the proposed introduction:

- FWP, the Helena Valley Irrigation District, and the Bureau of Reclamation would be the principal agencies that would be affected by this action.

List all agencies and individuals who have been notified of this proposed introduction:

- None.

Based on this evaluation, is an EIS required? YES/NO? If no, explain why the EA is the appropriate level of analysis for the proposed action:

- No. This environmental review concludes that the action proposed will not have a significant effect on the quality of the human environment. Therefore, an EA is the appropriate level of analysis and an EIS will not be prepared.

EA prepared by: George Liknes

Date: 1/22/2009

Comments will be accepted until: No formal comment period was established because this action was deemed not to be controversial. Comments will be accepted at any time.

Comments should be sent to: MDFW&P, 4600 Giant Springs Rd, Great Falls, MT 59405

**DECISION RECORD
FISH POND LICENSE**

DECISION: Issue

- Private Pond License**
- Commercial Pond License**
- One Time Permission to Plant Letter**
- Denial**

EA# Title: Richard J. Davis Private Pond

APPROVED SPECIES: Rainbow Trout

LICENSE RESTRICTIONS: MFWP reserves the right to sample the pond at any time after serving notice at the applicant's address shown above during the term of the private pond license to determine the effectiveness of the screens.

DECISION REASONING:

- Pond meets all other requirements for Private Pond License.**
- Other (specify)**



George Liknes
Regional Fisheries Manager

1/22/2009

Date