**EA# 33-09**
**DATE: 07/30/09**

**ENVIRONMENTAL REVIEW OF FISH INTRODUCTIONS**
**PRIVATE POND APPLICATION**

**Name and address of applicant**: Don Kelly, Pond #2
171 North View Ridge Lane
Bozeman, MT 59715

**Has the pond been approved for a private pond permit in the past?** No.

**Location**: Pond is located approximately 0.75 miles east of I-15 near the private/public land interface on Climax Gulch north of Divide.

**County: Beaverhead** **Township: 1N** **Range: 9W** **Section: 12**

**Name of the drainage where the pond would be located:** Climax Gulch, (tributary to Curly Creek).

N**ame(s) of fish species proposed for introduction:** Westslope Cutthroat Trout.

**Is this species native to the drainage? If not, was it introduced legally (i.e. by a fish management agency)?** Yes. Climax Gulch is within the native range of Westslope Cutthroat Trout, but it is unknown if Westslope currently occupy the stream.

**List species of special concern present in the drainage:** Arctic Grayling are present in the Big Hole River but rare in the vicinity of Divide. They may have historically been in Divide Creek but are no longer present. Divide Creek does harbor unhybridized Westslope Cutthroat Trout in the upper portions of the basin, but are rare in the vicinity of the above named pond.

**RISKS:**
**Inlets to or outlets from the pond?** Yes X No **Explain:** There is no inlet to the ponds. Both ponds are excavated below ground water elevation and are filled to the static ground water elevation. A pipe was placed underground under Climax Gulch and connects the two ponds such that once the upper pond fills, it will spill through the pipe into the lower pond. The outlet structure of the lower pond consists of an agri-drain with ¼ vertical bar fish screen. The outlet is piped into a drain field so there is no direct surface connection between the pond outflow and Climax Gulch.

**Potential for impacts on genetic structure of wild fish populations?**
None Minor X Major

**Comments required for minor or major impacts:** The risk of stocked Westslope Cutthroat Trout escaping from the ponds is very minimal because of outlet structure, fish screen and lack of a surface connection to the stream. However, because of the proximity of the ponds to Climax Gulch, it is possible that during a catastrophic flood event that the ponds could be captured by the stream and fish could escape from the pond to the stream.

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

**Comments required for minor or major impacts:** See comment above.

**Impacts to other forms of aquatic life that may be caused by this introduction?**
None_X_ Minor___ Major___

**Comments required for minor or major impacts:**

**Potential for the proposed new species to reproduce in this location?**
None_X_ Minor___ Major___

**Comments required for minor or major impacts:** There is no spawning habitat present in the ponds.

**If necessary, would it be feasible to remove this species after it has been stocked? How?**
Yes. Use of an approved piscicide or cease stocking and wait for fish to age-out.

**Would this introduction result in impacts that are individually limited, but cumulatively considerable?** Not likely, unless further pond development is proposed in the drainage. Climax Gulch is often intermittent and increasing evaporation through exposure of groundwater to the air and sun could result in increasing dry areas of the stream.

**Describe reasonable and prudent alternatives to this action, if any (including no action).**
No action. Leave pond barren of fish.

**Describe and evaluate mitigation, stipulations, or other control measures enforceable by the agency, if any.** None, other than maintenance of screen on outflow of pond.

**List any other agencies or individuals that may be affected by the proposed introduction:**
None.

**List all agencies and individuals outside of FWP who have been notified of this proposed introduction:** None.

**Based on this evaluation, is an EIS required? Yes___ No_X_ If no, explain why the EA is the appropriate level of analysis for the proposed action.** Pond meets all criteria for a private pond license with no or minimal potential effects on the fishery of Climax Gulch or the Big Hole River.

**Literature Cited:** N/A

**EA prepared by: Jim Olsen**

**Comments will be accepted until:** N/A
**Comments should be sent to:** N/A