ENVIRONMENTAL REVIEW OF FISH INTRODUCTION
PRIVATE POND APPLICATION

Name and address of applicant: Richard Cox
C/O Cox Ranch LLC
P.O. Box 2015
Billings, MT 59103

Has the pond been approved for a private pond permit? Yes, under the condition that only 20 gpm water is diverted based on the filed notice of ground water completion.

Does the pond have water rights? This pond has a ground water certificate of completion for 20 gal/min for fish and wildlife dated January 2, 2010. The feeder spring appears to produce far more than the 20gal/min listed on the certificate. Landowner said that the amount of water leaving the spring can be adjusted.

Location of pond:
County: Fergus
Legal description: T14N, R22E S7 NE¼NW¼SE¼
Latitude/Longitude: approx 46.9888; 108.9778.

Name of the drainage where the pond would be located: Water originates from developed springs about 1 mile above the pond. The pond has very little drainage area. An extreme event on Rose Canyon Creek could potentially impact fill/reservoir. Overflow goes into the bottom of Rose Canyon about 0.7 miles upstream of the South Fork McDonald Creek. Rose Canyon was dry above the outflow during the inspection. I estimated over 100 gals/min was flowing through the pond during the inspection.

Fish species proposed for introduction: rainbow trout, brown trout, and brook trout

Is this species legally present in the drainage? Yes

Species of Special Concern present in the drainage: No species of concern are known from this area. Sauger and blue sucker were historically found in the Musselshell about 100 miles downstream.

RISKS:

Inlets to or outlets from the pond? Yes_X_ No___ **Explain:**
Inlet is a covered pipe/spring and should present no risks that can flow into the pond or an artificial channel. The outlet structure is an Agri-drain. The top stop log is made of ¼" mesh, which should block fish passage at the outlet if kept cleaned. If the 20 gal/min flow-rate in the ground water certificate is maintained there should be little overflow into Rose Canyon. Rose Canyon is about 20 yards from the outflow via a rock-armored drop.

Potential for impacts on genetic structure of existing fish populations: __ None _X_ Minor

__ Major
Comments: Adverse genetic impacts are considered highly unlikely. It is unlikely that the stocked non-native trout would come in contact with any wild trout. South Fork McDonald Creek has been a prairie fish stream in recent years.

Impacts to any life stage of existing fish populations due to competition and/or predation?
__ None _X_ Minor __ Major
Comments: May eat minnows or other fish if present in pond. It is unlikely they are present in this new pond.

Impacts to other forms of aquatic life that may be caused by this introduction? __ __None _X_ Minor __ Major
Comments: Trout will consume some invertebrates in pond.

Potential for the proposed new species to reproduce in this location: __ None _X_ Minor _ Major
Comments: Inlet stream is a spring that is piped into the pond or a channel upstream of the pond. Trout may spawn in this constructed channel. The channel will be fed by a circulating pump-back system. If trout reproduction becomes a problem the channel could be bypassed.

If necessary, would it be feasible to remove this species after it has been stocked?
Yes. The pond could be drained partially by removing stop logs on the agri-drain. The inflow water could be eliminated. It would be possible to chemically treat the remaining pool if desired.

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.

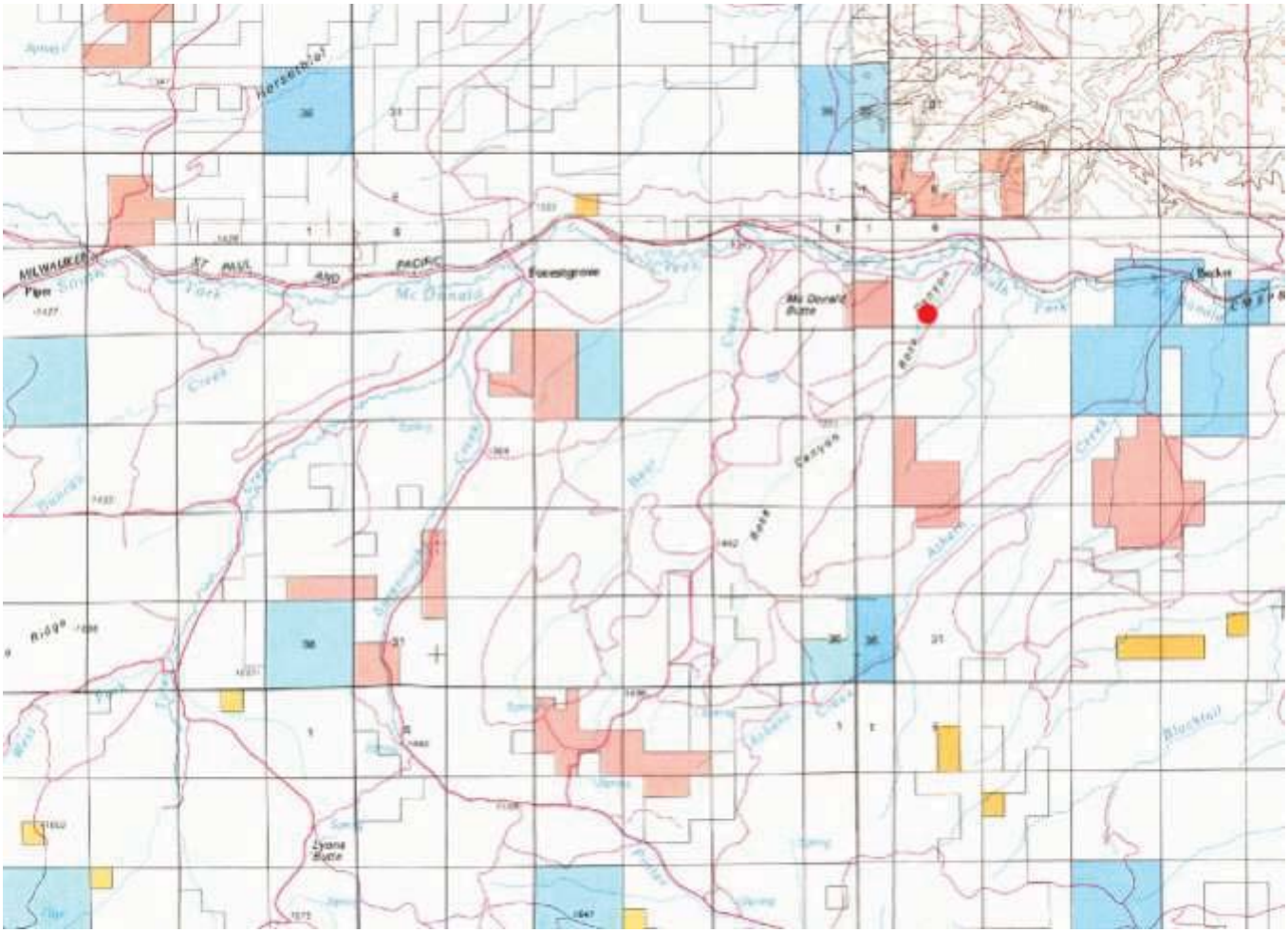
Describe and evaluate mitigation, stipulations, or other control measures enforceable by the agency, if any.
Water certificate of 20 gpm need and the annual amount of 10 acre-ft per year (about 6 gal/min continuous) should be followed. Species restrictions.

List any other agencies or individuals that may be affected by the proposed introduction:
Department of state lands for water right issues.

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 Minor impacts expected.

EA prepared by: Anne Tews **DATE:** 4/20/10



Map of Pond location (red dot).

DECISION RECORD

FISH POND LICENSE

DECISION: Issue

■ **Private Pond License**

☐ **Commercial Pond License**

☐ **One Time Permission to Plant Letter**

☐ **Denial**

APPROVED SPECIES: Rainbow Trout, Brown trout, and brook trout.

LICENSE RESTRICTIONS: Only 20 gpm water and the annual amount of 10 acre-ft per year (about 6 gal/min continuous) can be diverted based on the filed notice of ground water completion.

DECISION REASONING:

■ **Pond meets all other requirements for Private Pond License.**

☐**Other (specify) Pond does not meet criteria for private pond permit but impacts should be minimal.**

_____ _6/30/2010____

George Liknes
Regional Fisheries Manager

Date