

ENVIRONMENTAL REVIEW OF FISH INTRODUCTIONS
PRIVATE POND APPLICATION

Name and address of applicant: Steve Brough
5415 US Hwy 2 NE
Havre, MT 59501

Has the pond been approved for a private pond permit in the past?
Yes

Location:

County: Hill Township: 29N Range: 16E Section: 32

Name of the drainage where the pond would be located: Brougs
Coulee

Name(s) of fish species proposed for introduction: Rainbow and
Brook Trout

Is this species native to the drainage? If not, was it introduced
legally (i.e. by a fish management agency)?

This species is not native to the drainage. However, Montana Fish,
Wildlife, and Parks has legally introduced these species into
several nearby streams and reservoirs.

List species of special concern present in the drainage: None

RISKS:

Inlets to or outlets from the pond? Yes x No ___ Explain:
Reservoir is fed by an intermittent stream and the overflow
structure is an earthen spillway with large rip rap keyed into the
banks to reduce erosion and failure.

Potential for impacts on genetic structure of wild fish
populations? None x Minor ___ Major ___
Comments required for minor or major impacts:

Impacts to any life stage of existing fish populations due to competition and/or predation? None Minor _____ Major _____
Comments required for minor or major impacts:

Impacts to other forms of aquatic life that may be caused by this introduction? None Minor _____ Major _____
Comments required for minor or major impacts:

Potential for the proposed new species to reproduce in this location? None Minor _____ Major _____
Comments required for minor or major impacts:

If necessary, would it be feasible to remove this species after it has been stocked? How? Yes. The species could be removed by chemical application.

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). No action

Describe and evaluate mitigation, stipulations, or other control measures enforceable by the agency, if any. None

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. The proposed stocking of rainbow trout at the above described location will not significantly affect the quality of the human environment.

Literature Cited:

EA prepared by: Cody Nagel

Comments will be accepted until: August 19th 2011

Comments should be sent to: 2165 HWY 2 E Havre, MT 59501

Email Address: cnagel@mt.gov

APPENDIX A PRIVATE PROPERTY ASSESSMENT ACT CHECKLIST

The 54th Legislature enacted the Private Property Assessment Act, Chapter 462, Laws of Montana (1995). The intent of the legislation is to establish an orderly and consistent process by which state agencies evaluate their proposed actions under the "Takings Clauses" of the United States and Montana Constitutions. The Takings Clause of the Fifth Amendment of the United States Constitution provides: "nor shall private property be taken for public use, without just compensation." Similarly, Article II, Section 29 of the Montana Constitution provides: "Private property shall not be taken or damaged for public use without just compensation..."

The Private Property Assessment Act applies to proposed agency actions pertaining to land or water management or to some other environmental matter that, if adopted and enforced without compensation, would constitute a deprivation of private property in violation of the United States or Montana Constitutions.

The Montana State Attorney General's Office has developed guidelines for use by state agency to assess the impact of a proposed agency action on private property. The assessment process includes a careful review of all issues identified in the Attorney General's guidance document (Montana Department of Justice 1997). If the use of the guidelines and checklist indicates that a proposed agency action has taking or damaging implications, the agency must prepare an impact assessment in accordance with Section 5 of the Private Property Assessment Act. For the purposes of this EA, the questions on the

public way from the property in question?

Taking or damaging implications exist if **YES** is checked in response to question 1 and also to any one or more of the following questions: 2, 3, 4, 6, 7a, 7b, 7c; or if **NO** is checked in response to questions 5a or 5b.

If taking or damaging implications exist, the agency must comply with Section 5 of the Private Property Assessment Act, to include the preparation of a taking or damaging impact assessment. Normally, the preparation of an impact assessment will require consultation with agency legal staff.