

# **Draft Environmental Assessment**

## **Sluice Boxes State Park Upper Trailhead Parking and Kiosk Improvements**



Figure 1: Sluice Boxes State Park

**March 2021**



**MONTANA FISH,  
WILDLIFE & PARKS**

# Draft Environmental Assessment MEPA, NEPA, MCA 23-1-110 CHECKLIST

## **PART I. PROPOSED ACTION DESCRIPTION**

1. **Type of proposed state action:** Montana Fish, Wildlife & Parks (FWP) proposes to commence with an improvement project within Sluice Boxes State Park. The project would consist of hardening the existing area used by the public for parking and delineating parking area boundaries to prevent off-road parking.
2. **Agency authority for the proposed action:** Montana state statute 23-1-102 authorizes the department to make a study to determine the scenic, historic, archaeological, scientific, and recreational resources of the state. The department may by purchase, lease, agreement, or acceptance of donations acquire for the state any areas, sites, or objects that in its opinion should be held, improved, and maintained as state parks, state recreational areas, state monuments, or state historical sites.

Furthermore, state statute 23-1-110 and Administrative Rule 12.2.433 guides public involvement and comment for the improvements at state parks and fishing access sites, which this document provides.

3. **Anticipated Schedule:**  
Estimated Commencement Date: Fall 2021  
Estimated Completion Date: Fall 2021  
Current Status of Project Design (95% complete):
4. **Location affected by proposed action (county, range and township – included map):** Sluice Boxes State Park, Cascade County, S27, T17 N, R06 E, E2SE LS 8.16
5. **Project size -- estimate the number of acres that would be directly affected that are currently:**

	<u>Acres</u>		<u>Acres</u>
(a) Developed:		(d) Floodplain	<u>0</u>
Residential	<u>0</u>		
Industrial	<u>.5</u>	(e) Productive:	
(existing parking area)		Irrigated cropland	<u>0</u>
(b) Open Space/	<u>.5</u>	Dry cropland	<u>0</u>
Woodlands/Recreation		Forestry	<u>0</u>
(c) Wetlands/Riparian	<u>0</u>	Rangeland	<u>0</u>
Areas		Other	<u>0</u>



## 6. Permits, Funding & Overlapping Jurisdiction.

**(b) Funding:**

(c) **Other Overlapping or Additional Jurisdictional Responsibilities:**  
None

In addition to the parking area surface work, a kiosk would be installed. Kiosks are standard at access points in almost every Montana State Park, but the Sluice Boxes upper parking area has never had one, even though roughly half of the visitors enter the park there. A kiosk would provide staff with an opportunity to post rules and regulations, fee information, details regarding camping, and information about safety issues in the park, such as trail closures or bear sightings. It would also point visitors to areas of interest and make it possible to educate park users about the unique cultural and environmental resources on the property and how we preserve them. Finally, it would enable us to collect fees from out-of-state users.

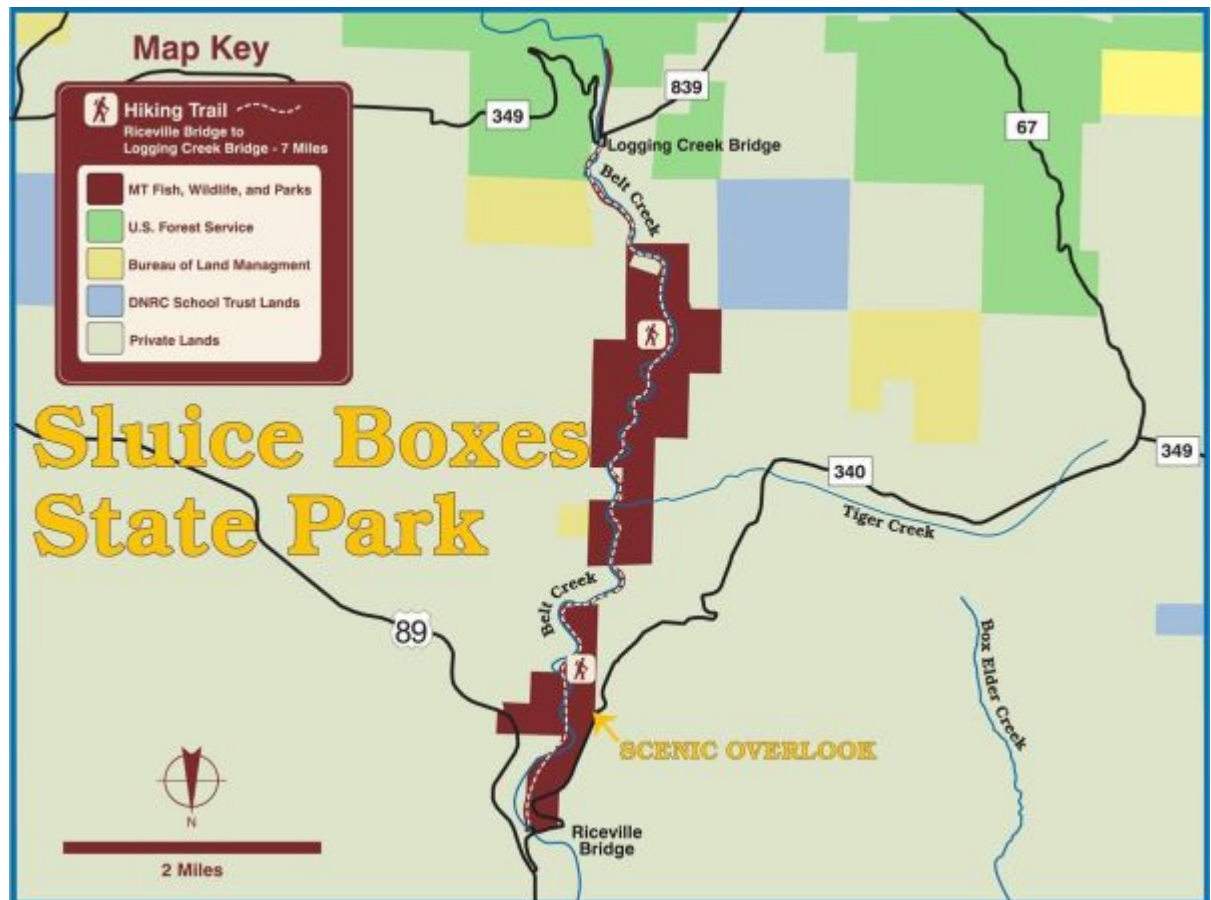


Figure 3: Sluice Boxes State Park and surrounding public and private land

## 8. Description and analysis of reasonable alternatives:

### **Alternative A: No Action**

No action would enable continued haphazard spread of undeveloped and unsafe parking and lead to additional resource degradation.

### **Alternative B: Proposed Action**

Properly develop the current parking area according to professionally designed plans to ensure visitors are parking in an orderly and safe manner while maximizing the space, along with adding fencing and barrier rocks to delineate the parking area boundaries so it does not continue to expand.

**Alternative C: Use the Space and Material There and Stop Unsanctioned Expansion**

Attempt to delineate the area currently being parked on with materials already available at the site. This option could stop the unintended expansion of the parking area, assuming enough barrier rocks could be found to adequately block vehicle traffic, but it would not address the need for a safe approach to the county road, the most efficient utilization of the space for maximum parking, or hardening and grading the native surface for proper drainage.

**Alternative D: Build Additional Parking Space Nearby**

This option is not feasible due to the lack of a more suitable location in the limited space between the rim of the canyon and the county road, and the fact that any such space would require native and undisturbed grassland to be excavated. It would also necessitate the extension of the trail, and would be a much more expensive alternative to build a completely new infrastructure rather than upgrading what is existing.



Figure 4: Existing parking area in orange and proposed expansion in yellow

**9. Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:**

There are no formal stipulations of mitigation or other controls associated with the proposed action. This action does not involve any permits or granting of a license on which stipulations would be placed.

## **PART II. ENVIRONMENTAL REVIEW CHECKLIST**

Evaluation of the impacts of the **Proposed Action** including secondary and cumulative impacts on the Physical and Human Environment.

### **A. PHYSICAL ENVIRONMENT**

1. <b><u>LAND RESOURCES</u></b> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Soil instability or changes in geologic substructure?		X				
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil, which would reduce productivity or fertility?			X			1 b.
c. Destruction, covering or modification of any unique geologic or physical features?		X				
d. Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?		X				
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		X				

1b. Approximately half an acre of soil previously compacted by impromptu parking would be covered by fill and road mix.

2. <b><u>AIR</u></b> Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Emission of air pollutants or deterioration of ambient air quality? (Also see 13 (c).)			X			2a.
b. Creation of objectionable odors?		X				
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		X				
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		X				
e. For P-R/D-J projects, will the project result in any discharge, which will conflict with federal or state air quality regulations? (Also see 2a.)						N/A

2a. Minor levels of dust and emissions from heavy machinery may be temporarily generated during construction of the parking area. Any changes to the ambient air quality would be temporary. All federal and state air quality regulations would be followed.

3. <u>WATER</u>  Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?			X			3a.
b. Changes in drainage patterns or the rate and amount of surface runoff?			X			3a.
c. Alteration of the course or magnitude of floodwater or other flows?		X				
d. Changes in the amount of surface water in any water body or creation of a new water body?		X				
e. Exposure of people or property to water related hazards such as flooding?		X				
f. Changes in the quality of groundwater?		X				
g. Changes in the quantity of groundwater?		X				
h. Increase in risk of contamination of surface or groundwater?		X				
i. Effects on any existing water right or reservation?		X				
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		X				
k. Effects on other users as a result of any alteration in surface or groundwater quantity?		X				
l. For P-R/D-J, will the project affect a designated floodplain? (Also see 3c.)						N/A
m. For P-R/D-J, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a.)						N/A

3a. It is possible that the proposed project would result in a small discharge of sediment into adjacent surface water during construction. FWP would ensure that Best Management Practices were employed during construction to minimize the risk.

4. <b><u>VEGETATION</u></b>  Will the proposed action result in?	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?			X			4a.
b. Alteration of a plant community?		X				
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				
d. Reduction in acreage or productivity of any agricultural land?		X				
e. Establishment or spread of noxious weeds?		X				
f. For P-R/D-J, will the project affect wetlands, or prime and unique farmland?						N/A
g. Other:		X				

4a. The construction of the parking area would disturb and cover approximately half an acre of previously disturbed grass. Any areas disturbed outside of the parking area would be reseeded with native grass after construction is completed.

5. <b><u>FISH/WILDLIFE</u></b>  Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Deterioration of critical fish or wildlife habitat?		X				
b. Changes in the diversity or abundance of game animals or bird species?		X				
c. Changes in the diversity or abundance of nongame species?		X				
d. Introduction of new species into an area?		X				
e. Creation of a barrier to the migration or movement of animals?		X				
f. Adverse effects on any unique, rare, threatened, or endangered species?		X				5f.
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?		X				
h. For P-R/D-J, will the project be performed in any area in which T&E species are present, and will the project affect any T&E species or their habitat? (Also see 5f.)						N/A
i. For P-R/D-J, will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d.)						N/A



5f. A search of the Montana Natural Heritage Database yielded one animal Species of Concern (SOC) in the project area. However, it is extremely unlikely that the proposed project would impact this species or lead to other conditions that would impact this species. Please see Appendix C for a complete list of SOC in the project area.

## B. HUMAN ENVIRONMENT

6. <u>NOISE/ELECTRICAL EFFECTS</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Increases in existing noise levels?			X			6a.
b. Exposure of people to serve or nuisance noise levels?		X				
c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?		X				
d. Interference with radio or television reception and operation?		X				

6a. Construction equipment and crews would cause a temporary, minor increase in noise levels at the project site.

7. <u>LAND USE</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?		X				
b. Conflicted with a designated natural area or area of unusual scientific or educational importance?		X				
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the proposed action?		X				
d. Adverse effects on or relocation of residences?		X				

8. <u>RISK/HEALTH HAZARDS</u>  Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Risk of an explosion or release of hazardous substances (including, but not limited to oil, pesticides, chemicals, or radiation) in the event of an accident or other forms of disruption?			X			8a.
b. Affect an existing emergency response or emergency evacuation plan, or create a need for a new plan?		X				
c. Creation of any human health hazard or potential hazard?		X				
d. For P-R/D-J, will any chemical toxicants be used? (Also see 8a)						N/A

8a. There is a slight risk of small petroleum leaks or spills from heavy equipment during the proposed project. This risk can be minimized by the use of Best Management Practices during all phases of the project.

9. <u>COMMUNITY IMPACT</u>  Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?		X				
b. Alteration of the social structure of a community?		X				
c. Alteration of the level or distribution of employment or community or personal income?		X				
d. Changes in industrial or commercial activity?		X				
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?		X				

10. <u>PUBLIC SERVICES/TAXES/UTILITIES</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Will the proposed action have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If any, specify:		X				
b. Will the proposed action have an effect upon the local or state tax base and revenues?		X				
c. Will the proposed action result in a need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?		X				
d. Will the proposed action result in increased use of any energy source?		X				
e. Define projected revenue sources		X				
f. Define projected maintenance costs.			X			

10f. Maintenance costs of the proposed parking area (regrading, repainting the kiosk, fence repairs, etc.) will be minimal and will be covered through the Region 4 State Parks operations budgets.

11. <u>AESTHETICS/RECREATION</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?		X				
b. Alteration of the aesthetic character of a community or neighborhood?		X				
c. Alteration of the quality or quantity of recreational/tourism opportunities and settings? (Attach Tourism Report.)			X			11c.
d. For P-R/D-J, will any designated or proposed wild or scenic rivers, trails or wilderness areas be impacted? (Also see 11a, 11c.)						N/A

11c. The proposed action would benefit visitors to Sluice Boxes State Park by improving the accessibility and function of the park, thereby improving the recreational experience for visitors. Please see Appendix B for Tourism Report.

12. <u>CULTURAL/HISTORICAL RESOURCES</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Destruction or alteration of any site, structure or object of prehistoric historic, or paleontological importance?		X				
b. Physical change that would affect unique cultural values?		X				12b.
c. Effects on existing religious or sacred uses of a site or area?		X				
d. For P-R/D-J, will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12.a.)						N/A

12b. FWP and the State Historic Preservation Office concurred on a determination of “No Historic Properties Affected” should the project proceed as proposed. If cultural materials are discovered during construction, work would stop and the State Historic Preservation Office would be contacted for an investigation.

## SIGNIFICANCE CRITERIA

13. <u>SUMMARY EVALUATION OF SIGNIFICANCE</u>	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
<b>Will the proposed action, considered as a whole:</b>						
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources that create a significant effect when considered together or in total.)		X				
b. Involve potential risks or adverse effects, which are uncertain but extremely hazardous if they were to occur?		X				
c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard or formal plan?		X				
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?		X				
e. Generate substantial debate or controversy about the nature of the impacts that would be created?		X				
f. For P-R/D-J, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e.)						N/A
g. For P-R/D-J, list any federal or state permits required.						N/A

13. It is anticipated that impacts to the biological, physical, and human environment would be minor and temporary.

### **PART III. NARRATIVE EVALUATION AND COMMENT**

This EA did not reveal any significant negative impacts to the physical and human environment stemming from the proposed action. It is unlikely that any threatened or endangered species would be affected, and no unique physical features would be disturbed. The proposed action would benefit visitors to Sluice Boxes State Park by improving the accessibility and function of the park. Disruption of wildlife, recreation, and other public uses at Sluice Boxes State Park would be temporary and occur only briefly during the construction period.

The proposed project, expansion and delineation of the upper parking area, would enhance visitor safety, as well as the quality of the visitor experience at Sluice Boxes State Park without adverse effects to the environment.

### **PART IV. PUBLIC PARTICIPATION**

#### **1. Public involvement:**

The public will be notified in the following manners to comment on this current EA, the proposed action and alternatives:

- Two public notices in each of these papers: The Independent Record (Helena) and the Great Falls Tribune
- One statewide press release (if applicable);
- Public notice on the Fish, Wildlife & Parks web page: <http://fwp.mt.gov>.

Copies of this environmental assessment will be distributed to the neighboring landowners and interested parties to ensure their knowledge of the proposed project.

This level of public notice and participation is appropriate for a project of this scope having limited impacts, many of which can be mitigated.

#### **2. Duration of comment period:**

The public comment period will extend for (30) thirty days. Written comments will be accepted until 5:00 p.m., April 2 and can be mailed or emailed to the addresses below:

Mt. Fish, Wildlife, and Parks,  
4600 Giant Springs Rd.  
Great Falls, Mt., 59405  
Attn. John Taillie

E mail- [jtaillie@mt.gov](mailto:jtaillie@mt.gov)

## **PART V. EA PREPARATION**

- 1. Based on the significance criteria evaluated in this EA, is an EIS required? (YES/NO)?** No. Based on an evaluation of the primary, secondary, and cumulative impacts to the physical and human environment under the Montana Environmental Protection Act (MEPA), this environmental review found no significant impacts from the proposed project. In determining the significance of the impacts, FWP assessed the severity, duration, geographic extent, and frequency of the impact, the probability that the impact would occur or reasonable assurance that the impact would not occur, growth-inducing or growth inhibiting aspects of the impact, the importance to the state and to society of the environmental resource or value affected, and precedent that would be set as a result of the proposed action that would commit FWP to future actions; and potential conflicts with local, federal, or state laws. Therefore, an EA is the appropriate level of review and an EIS is not required.
- 2. Person(s) responsible for preparing the EA:**

Josh Wagoner  
Montana Fish, Wildlife & Parks  
Parks Regional Maintenance Supervisor  
4600 Giant Springs Rd.  
Great Falls, MT 59405  
jwagoner@mt.gov  
(406) 454-5870
- 3. List of agencies or offices consulted during preparation of the EA:**

Montana Fish, Wildlife & Parks:  
Parks Division  
Design & Construction Bureau  
Legal Bureau  
Responsive Management Unit  
Montana State Historic Preservation Office (SHPO)  
Montana Department of Commerce – Tourism  
Montana Natural Heritage Program-Natural Resources Information System

**APPENDIX A**  
23-1-110 MCA  
PROJECT QUALIFICATION CHECKLIST

**Date:** March 10, 2020

**Person Reviewing:** Josh Wagoner

**Project Location:** Sluice Boxes State Park, Cascade County, S27, T17 N, R06 E, E2SE LS 8.16

**Description of Proposed Work:**

The following checklist is intended to be a guide for determining whether a proposed development or improvement is of enough significance to fall under 23-1-110 rules. (Please check ☐ all that apply and comment as necessary.)

- ☐ A. New roadway or trail built over undisturbed land?  
Comments:
- ☐ B. New building construction (buildings <100 sf and vault latrines exempt)?  
Comments:
- ☒ C. Any excavation of 20 c.y. or greater?  
Comments: *YES, cutting and filling to level, 350 c.y. total*
- ☒ D. New parking lots built over undisturbed land or expansion of existing lot that increases parking capacity by 25% or more?  
Comments: *YES, expansion of existing lot, onto disturbed land, from 15-20 undefined spots to 28 defined spots*
- ☐ E. Any new shoreline alteration that exceeds a doublewide boat ramp or handicapped fishing station?  
Comments:
- ☐ F. Any new construction into lakes, reservoirs, or streams?  
Comments:
- ☐ G. Any new construction in an area with National Registry quality cultural artifacts (as determined by State Historical Preservation Office)?  
Comments:



- ☐ H. Any new above ground utility lines?  
Comments:
- ☐ I. Any increase or decrease in campsites of 25% or more of an existing number of campsites?  
Comments:
- ☐ J. Proposed project significantly changes the existing features or use pattern; including effects of a series of individual projects?  
Comments:

If any of the above are checked, 23-1-110 MCA rules apply to this proposed work and should be documented on the MEPA/HB495 CHECKLIST. Refer to MEPA/HB495 Cross Reference Summary for further assistance.

## APPENDIX B

### TOURISM REPORT MONTANA ENVIRONMENTAL POLICY ACT (MEPA) & MCA 23-1-110

The Montana Department of Fish, Wildlife and Parks has initiated the review process as mandated by MCA 23-1-110 and the Montana Environmental Policy Act in its consideration of the project described below. As part of the review process, input and comments are being solicited. Please complete the project name and project description portions and submit this form to:

Jan Stoddard, Bureau Chief Industry Services and Outreach,  
Montana Office of Tourism  
301 S. Park Ave.  
Helena, MT 59601

**Project Name:** Sluice Boxes State Park Upper Parking Area Expansion

**Project Description:** Montana Fish, Wildlife & Parks (FWP) proposes to commence with an improvement project within Sluice Boxes State Park. The project would consist of hardening the existing area used by the public for parking and delineating parking area boundaries to prevent off-road parking.

Would this site development project have an impact on the tourism economy?

NO

YES

If YES, briefly describe:

Yes, as described, the project has the potential to positively impact the tourism and recreation industry economy if properly maintained. Montana's 12.6 million non-resident visitors spent over \$3.8 billion in the state in 2019 (University of Montana's Institute for Tourism and Recreation Research, 2020). Recreation access and activities in state parks are in high demand for visitors with continually increasing intent to visit a state park while visiting Montana. This intent to visit has dramatically increased this year as a result of the pandemic and a desire for safe outdoor recreation experiences.

Additionally, Montana residents use and value state parks. A 2018 ITRR study confirmed that over half of Montana residents 18 and older use Montana State Parks at least once a year and that the importance of having state parks is agreed upon by all residents.

Sluice Boxes State Park provides both recreational and historical experiences. It features the remains of mines, a railroad, and historic cabins lining Belt Creek and a primitive, unmaintained trail provides access to fishing, challenging floats, and wildlife viewing.

However, the current parking lot is inadequate for the number of visitors. Due to insufficient current parking, park visitors have created an unsafe impromptu parking area with a risk to visitors of getting stuck and continued degradation of

the resource. This project would benefit visitors to Sluice Boxes State Park by improving the accessibility and function of the park.

2. Does this impending improvement alter the quality or quantity of recreation/tourism opportunities and settings?

NO

YES

If YES, briefly describe:

This project proposes levelling and hardening the surface of the area where visitors are currently inappropriately parking, adjoining the two parking areas to produce one larger parking area for 28 cars; installing barrier rocks, jack leg fence, and parking curbs to prevent the parking from continuing to expand; and developing a safe and legal approach off the county road. The proposed project, expansion and delineation of the upper parking area, would enhance visitor safety, as well as the quality of the visitor experience at Sluice Boxes State Park

We are assuming the agency has determined it has necessary funding for the on-going operations and maintenance once this project is complete.

Signature Jan Stoddard

Date:

6/23/20

## APPENDIX C

### NATIVE SPECIES REPORT – MONTANA NATURAL HERITAGE PROGRAM Sensitive Plants and Animals in the Vicinity of Sluices Boxes State Park

#### Species of Concern Terms and Definitions

A search of the Montana Natural Heritage Program (MNHP) element occurrence database (<http://nris.mt.gov>) indicates no known occurrences of Threatened, Endangered, or other federally ranked species by the US Fish and Wildlife Service (USFWS) have been documented in the vicinity of Sluice Boxes State Park. The search also indicates that one animal Montana Species of Concern (SOC) has been observed in the Sluice Boxes State Park area proposed for development. More information on this species is included below.

**Montana Species of Concern.** The term “**Species of Concern**” includes taxa that are at-risk or potentially at-risk due to rarity, restricted distribution, habitat loss, and/or other factors. The term also encompasses species that have a special designation by organizations or land management agencies in Montana, including: Bureau of Land Management Special Status and Watch species; U.S. Forest Service Sensitive and Watch species; U.S. Fish and Wildlife Service Threatened, Endangered and Candidate species.

#### **Status Ranks (Global and State)**

The international network of Natural Heritage Programs employs a standardized ranking system to denote global (**G** -- range-wide) and state status (**S**) (Nature Serve 2003). Species are assigned numeric ranks ranging from 1 (critically imperiled) to 5 (demonstrably secure), reflecting the relative degree to which they are “at-risk”. Rank definitions are given below. A number of factors are considered in assigning ranks -- the number, size and distribution of known “occurrences” or populations, population trends (if known), habitat sensitivity, and threat. Factors in a species’ life history that make it especially vulnerable are also considered (e.g., dependence on a specific pollinator).

#### **U.S. Fish and Wildlife Service (Endangered Species Act)- Terms and Definitions**

**LE. Listed endangered:** Any species in danger of extinction throughout all or a significant portion of its range.

**LT. Listed threatened:** Any species likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

**C. Candidate:** Those taxa for which sufficient information on biological status and threats exists to propose to list them as threatened or endangered.

**DM. Recovered, delisted, and being monitored** - Any previously listed species that is now recovered, has been delisted, and is being monitored.

**BGEPA. The Bald and Golden Eagle Protection Act of 1940 (BGEPA)** prohibits anyone, without a permit issued by the Secretary of the Interior, from taking bald or golden eagles, including their parts, nests, or eggs. The BGEPA provides criminal and civil penalties for persons who take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part, nest, or egg thereof.

**MBTA. The Migratory Bird Treaty Act (MBTA)** implements four treaties that provide for international protection of migratory birds. The statute's language is clear that actions resulting in a "taking" or possession (permanent or temporary) of a protected species is a violation of the MBTA.

**BCC. Birds of Conservation Concern 2008.** The 1988 amendment to the Fish and Wildlife Conservation Act mandates the U.S. Fish and Wildlife Service to identify species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become candidates for listing under the Endangered Species Act

Status Ranks	
Code	Definition
<b>G1</b> <b>S1</b>	At high risk because of extremely limited and/or rapidly declining numbers, range, and/or habitat, making it highly vulnerable to global extinction or extirpation in the state.
<b>G2</b> <b>S2</b>	At risk because of very limited and/or declining numbers, range, and/or habitat, making it vulnerable to global extinction or extirpation in the state.
<b>G3</b> <b>S3</b>	Potentially at risk because of limited and/or declining numbers, range, and/or habitat, even though it may be abundant in some areas.
<b>G4</b> <b>S4</b>	Uncommon but not rare (although it may be rare in parts of its range), and usually widespread. Apparently not vulnerable in most of its range, but possibly cause for long-term concern.
<b>G5</b> <b>S5</b>	Common, widespread, and abundant (although it may be rare in parts of its range). Not vulnerable in most of its range.

**MFWP Conservation Need.** Under Montana's Comprehensive Fish and Wildlife Conservation Strategy (CFWCS) of 2005, individual animal species are assigned levels of conservation need as follows:

- Tier I.** Greatest conservation need. Montana FWP has a clear obligation to use its resources to implement conservation actions that provide direct benefit to these species, communities and focus areas.
- Tier II.** Moderate conservation need. Montana FWP could use its resources to implement conservation actions that provide direct benefit to these species communities and focus areas.
- Tier III.** Lower conservation need. Although important to Montana's wildlife diversity, these species, communities and focus areas are either abundant or widespread or are believed to have adequate conservation already in place.
- Tier IV.** Species that are non-native, incidental or on the periphery of their range and are either expanding or very common in adjacent states.

## SENSITIVE PLANTS AND ANIMALS IN THE VICINITY OF SLUICE BOXES STATE PARK

### 1. *Myotis lucifugus* (Little Brown Myotis)

Vertebrate animal- Mammal

Habitat- a variety of habitats across a large elevation gradient

Natural Heritage Ranks

State: **S3**

Global: **G3**

Federal Agency Status:

U.S. Fish and Wildlife Service:

U.S. Forest Service:

U.S. Bureau of Land Management:

Little brown myotis is common and widespread, the most common species of bat in Montana, including documented presence at Sluice Boxes State Park, but under significant threat of catastrophic declines due to White-Nose Syndrome, a fungal disease responsible for the collapse of populations of this species in the eastern US. No roost structures or hibernacula occur on the actual project area, and the species commonly forages over water, which is not present at the project area. It is unlikely that the proposed project would impact this species in any appreciable way.