

DRAFT ENVIRONMENTAL ASSESSMENT CHECKLIST



**Wildcat Wildlife Management Area
Fee Title Acquisition
(FWP-CEA-WLD-R7-23-001)
August 1, 2023**



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I. Compliance with the Montana Environmental Policy Act

Before a proposed project may be approved, environmental review must be conducted to identify and consider potential impacts of the proposed project on the human and physical environment affected by the project. The Montana Environmental Policy Act (MEPA) and its implementing rules and regulations require different levels of environmental review, depending on the proposed project, significance of potential impacts, and the review timeline. § 75-1-201, Montana Code Annotated (“MCA”), and the Administrative Rules of Montana (“ARM”) 12.2.430, General Requirements of the Environmental Review Process.

FWP must prepare an EA when:

- *It is considering a “state-proposed project,” which is defined in § 75-1-220(8)(a) as:
 - (i) a project, program, or activity initiated and directly undertaken by a state agency;
 - (ii) ... a project or activity supported through a contract, grant, subsidy, loan, or other form of funding assistance from a state agency, either singly or in combination with one or more other state agencies; or
 - (iii) ... a project or activity authorized by a state agency acting in a land management capacity for a lease, easement, license, or other authorization to act.*
- *It is not clear without preparation of an EA whether the proposed project is a major one significantly affecting the quality of the human environment. ARM 12.2.430(3)(a));*
- *FWP has not otherwise implemented the interdisciplinary analysis and public review purposes listed in ARM 12.2.430(2) (a) and (d) through a similar planning and decision-making process (ARM 12.2.430(3)(b));*
- *Statutory requirements do not allow sufficient time for the FWP to prepare an EIS (ARM 12.2.430(3)(c));*
- *The project is not specifically excluded from MEPA review according to § 75-1-220(8)(b) or ARM 12.2.430(5); or*
- *As an alternative to preparing an EIS, prepare an EA whenever the project is one that might normally require an EIS, but effects which might otherwise be deemed significant appear to be mitigable below the level of significance through design, or enforceable controls or stipulations or both imposed by the agency or other government agencies. For an EA to suffice in this instance, the agency must determine that all the impacts of the proposed project have been accurately identified, that they will be mitigated below the level of significance, and that no significant impact is likely to occur. The agency may not consider compensation for purposes of determining that impacts have been mitigated below the level of significance (ARM 12.2.430(4)).*

MEPA is procedural; its intent is to ensure that impacts to the environment associated with a proposed project are fully considered and the public is informed of potential impacts resulting from the project.

II. Background and Description of Proposed Project

Name of Project: Wildcat Wildlife Management Area Property Acquisition

Montana Fish Wildlife & Parks (FWP) proposes the establishment of the Wildcat Wildlife Management Area (WMA) along the Lower Yellowstone River Corridor (LYR). Public access to lands along the LYR is currently limited and in areas where public access opportunities do exist, such resources are heavily utilized. Due to the abundance of recreational potential along the LYR, and the current lack of public access, recreational opportunities are cherished. Toward that end, and building on a local initiative, a citizen-based Lower Yellowstone River Corridor Advisory Committee (advisory committee) was created during the summer of 2021 to help shape future opportunities for improved access, habitat conservation, and sustainable economic

development along the LYR, including the area directly affected by the proposed project. Sponsored by Governor Greg Gianforte, and convened by FWP, the make-up of the 12-member advisory committee reflected the diversity of public interests within the LYR including agricultural, recreational, conservation, and the local economy, all values important to the region. In this context, FWP intends to partner with current property owners and non-governmental organizations (NGO) to purchase the 328-acre property and establish the Wildcat WMA.

The proposed Wildcat WMA is situated along the Yellowstone River and is located seven miles east of Forsyth, in Rosebud County. The property provides approximately 2.2 miles of riverfront and associated high quality riparian wildlife habitat with no existing farm or croplands. Most of the property hosts native vegetation consisting of two main habitat types, Great Plains Floodplain and Great Plains Mixed Grass Prairie (Table 1 and Figure 4). The riparian habitat is forested and with an overstory consisting of Eastern cottonwood while the understory is dominated by willow species. Grasses that occur on the property are dominated by smooth brome and common forbs including wild licorice and tansy mustard. These characteristics make existing wildlife habitats found on the property beneficial to a large suite of game and non-game species, both migratory and resident.

Table 1: The percent of the project area by landcover type based upon the 2016 Montana Landcover Type 2 layer produced by the Montana Natural Heritage Program.

Landcover Type	% of Area
Great Plains Floodplain	46.5
Great Plains Mixedgrass Prairie	43.4
Open Water	7.8
Introduced Riparian and Wetland Vegetation	1.9
Other Roads	0.4

As stated, the existing and native riparian system provides habitat for a diverse assemblage of wildlife species including mule and white-tailed deer, Merriam’s turkey, waterfowl, ring-necked pheasant, sharp-tailed grouse, and other species. In addition, the proposed property hosts, or has the potential to host, several “species of concern” including great blue heron, black-tailed prairie dog, spiny softshell turtle, little brown myotis and many other species found in Appendix A. The proposed Wildcat WMA acquisition would protect the property and associated habitat from future unmanaged development and establish free public access to recreational opportunities for Montana residents and visitors to enjoy in perpetuity.

The affected property is located in an area that FWP and the advisory committee have identified as high priority for habitat conservation and protection along the Lower Yellowstone River. Further, the proposed property (river mile 226) would provide boat-in and walk-in access for anglers, floaters, hunters, hikers, and wildlife viewing opportunities. Existing infrastructure at the proposed site is limited to a primitive parking area to support public use. While no boat ramp exists at the proposed site, recreationists looking to access the property with watercraft would be able to utilize the Far West Fishing Access Site boat ramp that is located approximately 1.5 river miles to the east (Figure 1).

If approved, FWP’s Region 7 wildlife staff would manage the property consistent with other WMAs along the Yellowstone River, which would include the protection and enhancement of existing habitat within the property and implementation of noxious weed prevention and control strategies. Currently, 280 acres of the 328-acre

property is in a mitigation bank held by Eco Assets Management LLC. The mitigation bank License Agreement and property deed restrictions allow wildlife management, habitat enhancement projects and vegetation management. Public access including hunting, fishing, and hiking are permitted and limited development can only occur within two construction envelopes on the property, if needed see Appendix B.

FWP's objective is to purchase the 328-acre property and establish the new WMA by the end of calendar year 2023.

Affected Area / Location of Proposed Project:

- Legal Description
 - Latitude/Longitude: 46.29235, -106.51705
 - Section, Township, and Range: S7 T6N R42E
 - Town/City, County, Montana: Rosebud, Rosebud County, Montana
- Location Maps

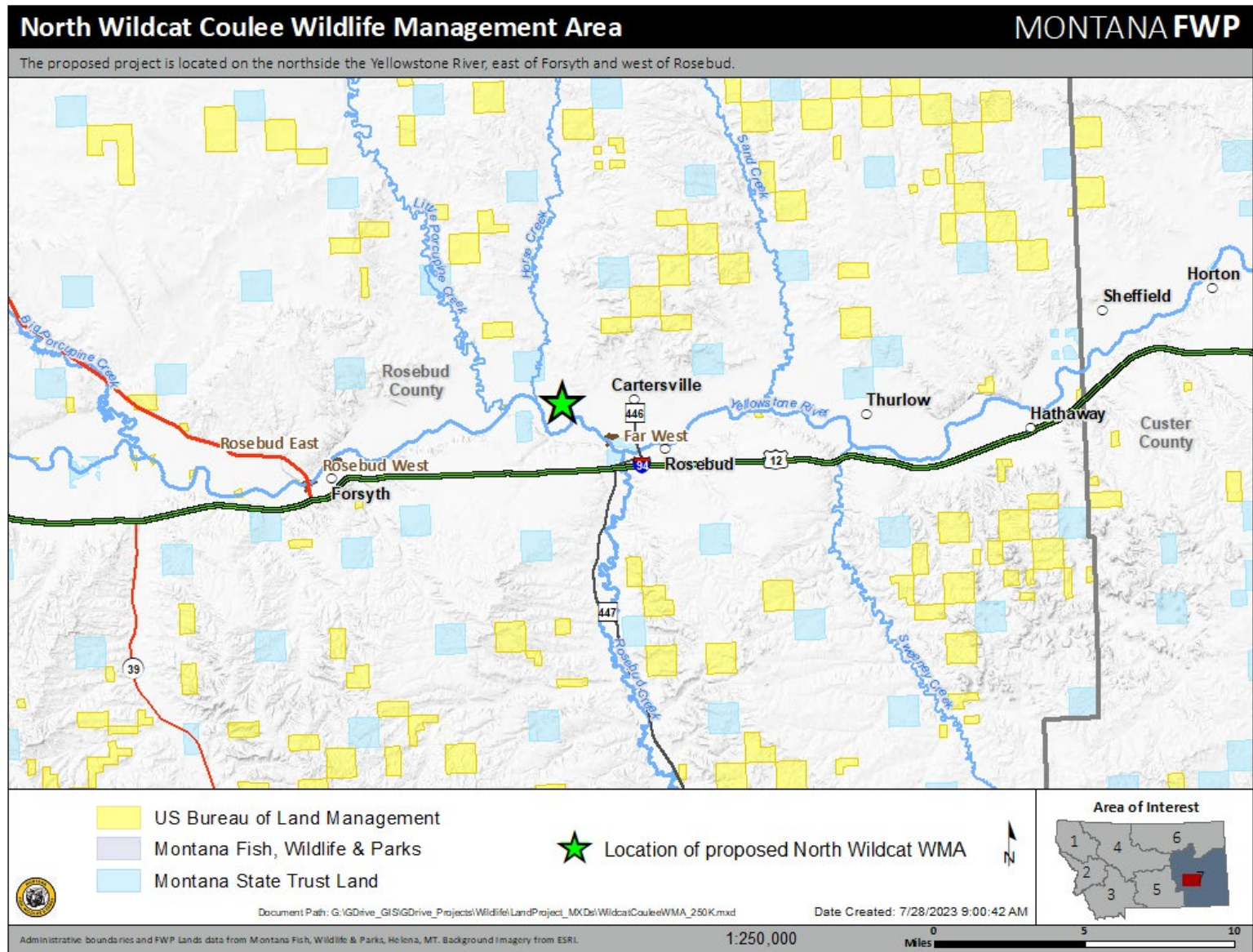


Figure 1. General location of the proposed Wildcat Wildlife Management Area location.

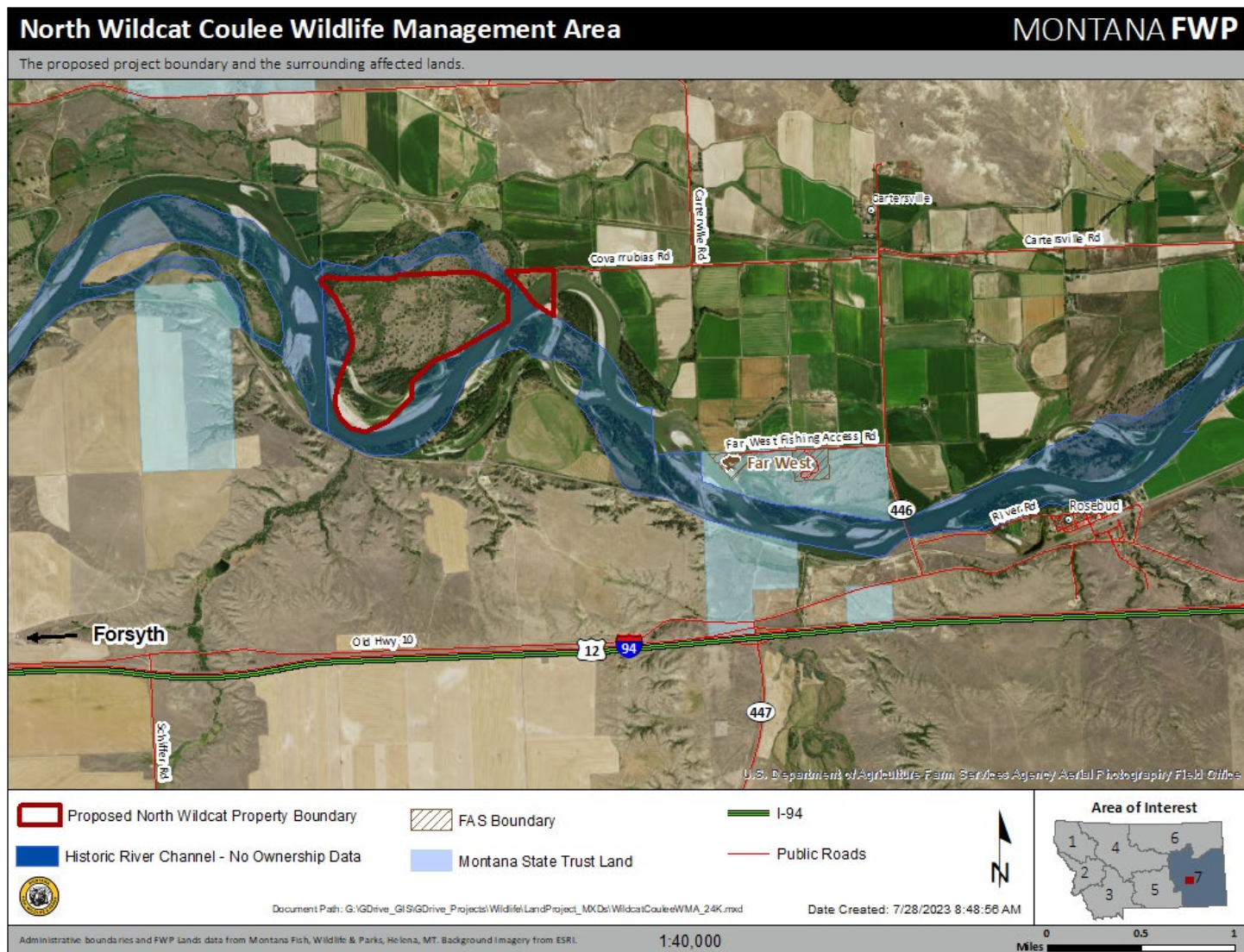


Figure 2. The proposed Wildcat Wildlife Management Area and affected lands in the general vicinity.

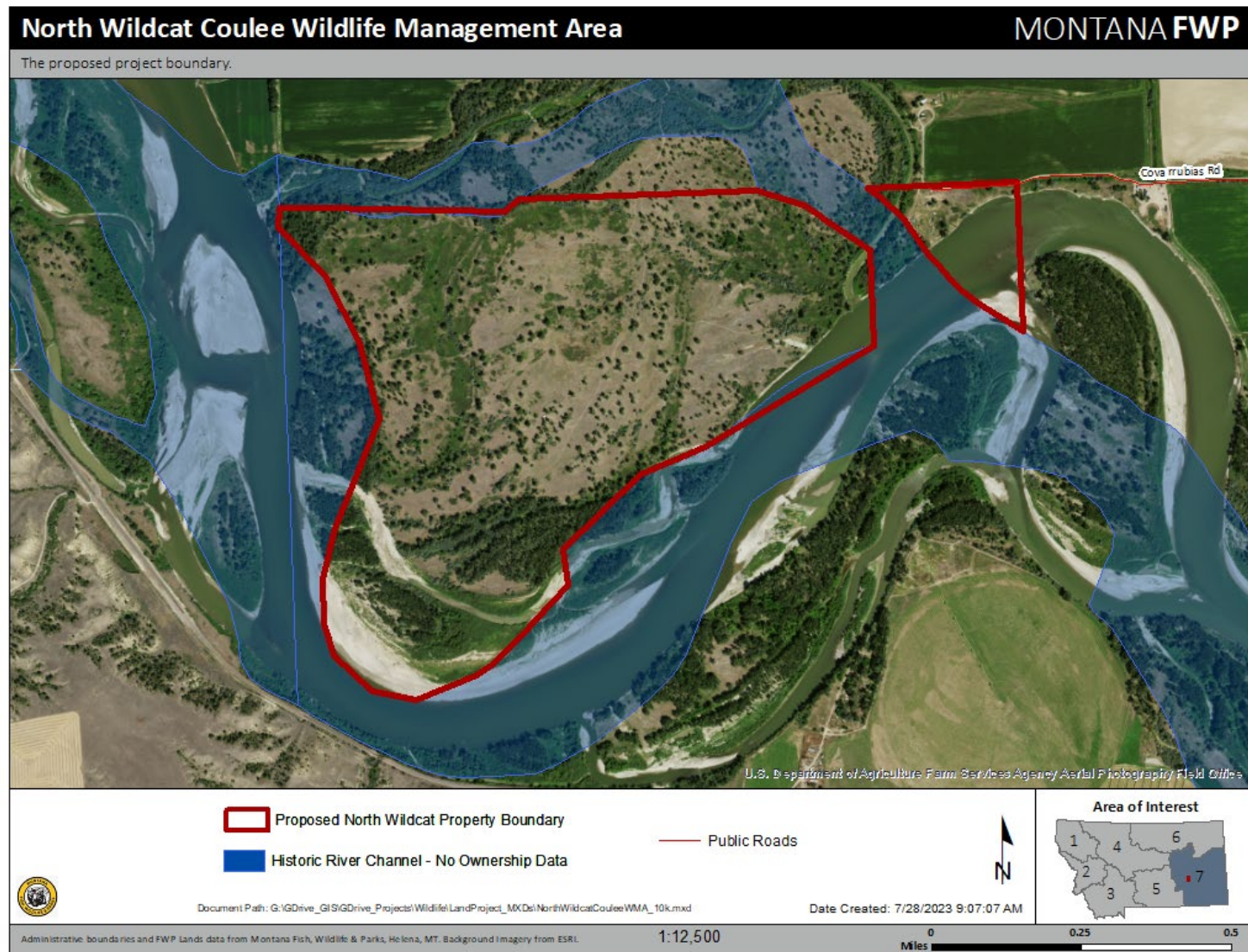


Figure 3. Aerial image of the proposed North Wildcat Coulee Wildlife Management Area.

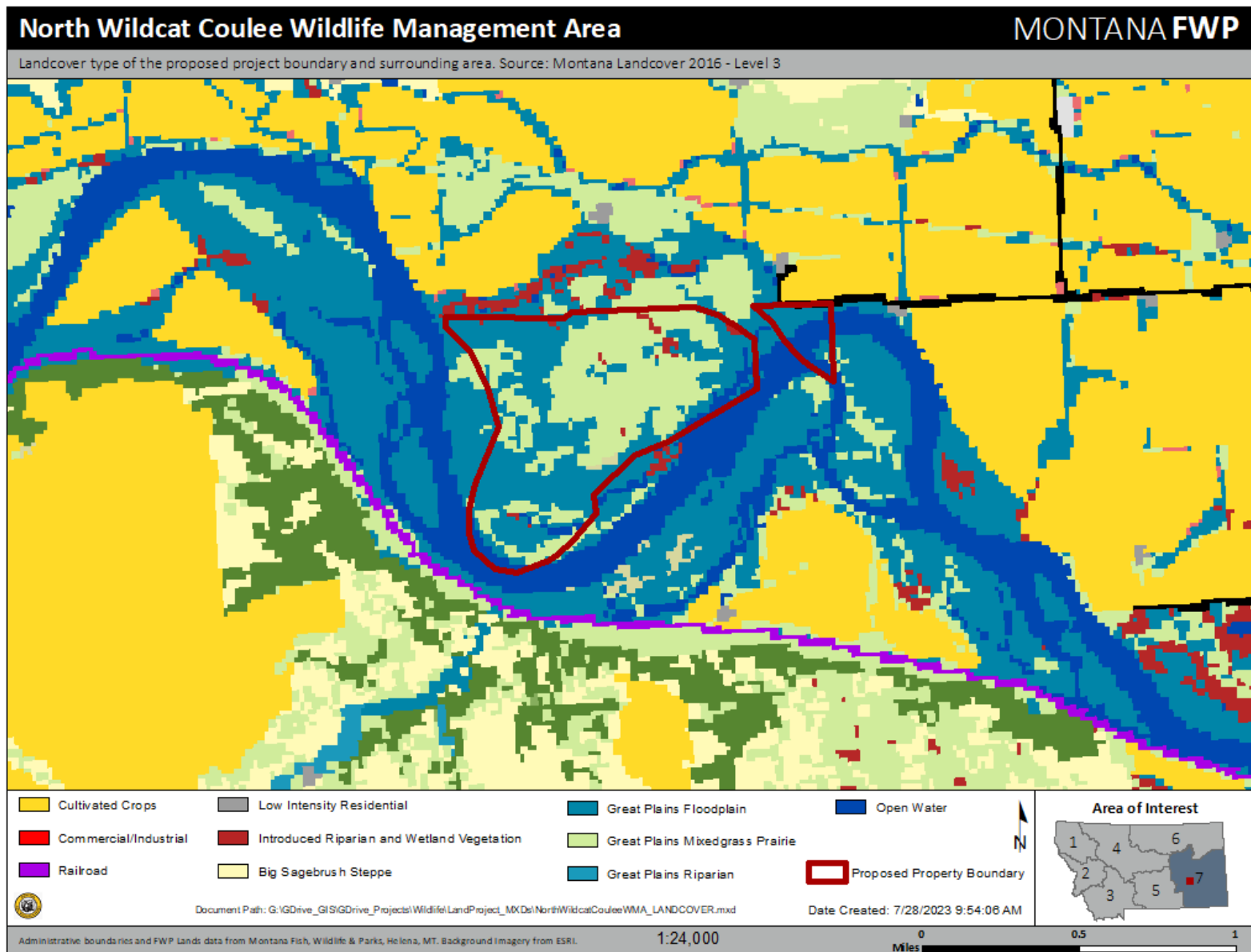


Figure 4. Landcover type of the proposed North Wildcat Coulee Wildlife Management Area.

III. Purpose and Need

The EA must include a description of the purpose and need or benefits of the proposed project. ARM 12.2.432(3)(b). Benefits of the proposed project refer to benefits to the resource, public, department, state, and/or other.

The proposed project represents a rare opportunity for FWP to acquire a property with high quality wildlife habitat and sought after recreational opportunity along the Yellowstone River. The proposed project would increase the conservation footprint of the affected area and provide new public access and recreational opportunities, thereby helping to fulfill priorities established by FWP and the advisory committee. If approved, the new WMA would be managed under and incorporated into FWP's Administrative Region 7 WMA Management Plan. As a WMA with a guiding management plan, the property would be managed to conserve and improve habitat conditions for all wildlife species present, such as mule and white-tailed deer, Merriam's turkey, ring-necked pheasant, migratory waterfowl, sharp-tailed grouse, and a suite of non-game species including several species of concern.

Wildcat WMA management practices would include the following:

- habitat improvement projects
- noxious weed control
- fence maintenance
- other improvement projects as they arise.

Further, management of the property as a WMA would allow the Yellowstone River to conduct its natural processes, such as flooding and cottonwood regeneration, thereby enhancing existing wildlife habitat. Additionally, the proposed acquisition of the affected property would provide boat-in and walk-in access for anglers, hunters, hikers, wildlife viewers, and the public at large.

If FWP prepared a cost/benefit analysis before completion of the EA, the EA must contain the cost/benefit analysis or a reference to it. ARM 12.2.432(3)(b).

	Yes*	No
Was a cost/benefit analysis prepared for the proposed project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

* If yes, a copy of the cost/benefit analysis prepared for the proposed project is included in Attachment A to this Draft EA

IV. Other Agency Regulatory Responsibilities

FWP must list any federal, state, and/or local agencies that have overlapping or additional jurisdiction, or environmental review responsibility for the proposed project, as well as permits, licenses, and other required authorizations. ARM 12.2.432(3)(c).

*A list of other required local, state, and federal approvals, such as permits, certificates, and/or licenses from affected agencies is included in **Table 1** below. **Table 1** provides a summary of requirements but does not necessarily represent a complete and comprehensive list of all permits, certificates, or approvals needed for the proposed project. Agency decision-making is governed by state and federal laws, including statutes, rules, and regulations, that form the legal basis for the conditions the proposed project must meet to obtain necessary permits, certificates, licenses, or other approvals. Further, these laws set forth the conditions under which each agency could deny the necessary approvals.*

Table 1: Federal, State, and/or Local Regulatory Responsibilities

Agency	Type of Authorization (permit, license, stipulation, other)	Purpose
FWP Heritage Program; Montana State Historic Preservation Office (SHPO)	Cultural Assessment/Survey	Identification of historic and/or archaeological sites located within or near the proposed project area
FWP	Noxious Weed Management Plan	Limit the spread of noxious weeds on state-owned lands

V. List of Mitigations, Stipulations

Mitigations, stipulations, and other enforceable controls required by FWP, or another agency, may be relied upon to limit potential impacts associated with a proposed Project. The table below lists and evaluates enforceable conditions FWP may rely on to limit potential impacts associated with the proposed Project. ARM 12.2.432(3)(g).

Table 2: Listing and Evaluation of Enforceable Mitigations Limiting Impacts

<i>Are enforceable controls limiting potential impacts of the proposed action? If not, no further evaluation is needed.</i>			Yes <input type="checkbox"/>	No <input type="checkbox"/>
<i>If yes, are these controls being relied upon to limit impacts below the level of significance? If yes, list the enforceable control(s) below</i>			Yes <input type="checkbox"/>	No <input type="checkbox"/>
Enforceable Control	Responsible Agency	Authority (Rule, Permit, Stipulation, Other)	Effect of Enforceable Control on Proposed Project	
FWP Public Use Regulations	Montana FWP	Fish and Wildlife Commission Rules for Public Use of Montana's Wildlife Management Areas	Allows FWP to manage public use of WMAs, including prohibitions on overnight camping, fires, and disorderly conduct.	
Noxious Weed Management Plan	Montana FWP, Rosebud County	Montana FWP Statewide Integrated Weed Management Plan.	Requires FWP to monitor and control the spread of noxious weeds at the site.	
Cultural Resource Protection	Montana State Historic Preservation Office (SHPO), Tribal Historic Preservation Offices (THPO), FWP Heritage Program	Cultural Assessment and Inventory; Tribal Consultation Guidelines	In keeping with the Montana Antiquities Act and related regulations, all undertakings on state lands are assessed for their potential to affect cultural resources. The proposed project has been evaluated according to the process for a cultural resource inventory, as outlined in the Administrative Rules of Montana (ARM) 12.8.501-12.8.510, and in consultation with the State Historic Preservation Office (SHPO). Prior to conducting any ground disturbing activities at the affected site, FWP will also consult with all Tribal Historic Preservation Offices (THPO) affiliated with the affected property in accordance with FWP's Tribal Consultation Guidelines. According to the Montana Cultural Resource Database, the Lewis	

			and Clark Historic Trail, which may be eligible for the National Register of Historic Places, overlaps the property proposed for the Wildcat WMA land acquisition. Therefore, action may be necessary to mitigate any potential project impacts to the affected cultural resource. For additional information, reference <i>Section VII: Summary of Potential Impacts of Proposed Project on the Physical Environment and Human Population, Table 3 - Potential Impacts of Proposed Project on the Physical Environment, Historical and Archaeological Sites.</i>
WMA Management	FWP	Region 7 WMA Management Plan	Provides management objectives and management practices for Region 7 WMAs along the lower Yellowstone River

VI. Alternatives Considered

In addition to the proposed project, and as required by MEPA, FWP analyzes the "No-Action" alternative in this EA. Under the "No Action" alternative, the proposed project would not occur. Therefore, no additional impacts to the physical environment or human population in the analysis area would occur. The "No Action" alternative forms the baseline from which the potential impacts of the proposed Project can be measured.

Under the "No Action" alternative, the proposed North Wildcat Coulee WMA property purchase would not occur and public access to the affected land and Yellowstone River shoreline would not be available. Further, the proposed project would not be incorporated into FWP and advisory committee objectives to conserve and provide public access to the LYR.

	Yes*	No
Were any additional alternatives considered and dismissed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

* If yes, a list and description of the other alternatives considered, but not carried forward for detailed review is included below

VII. Summary of Potential Impacts of the Proposed Project on the Physical Environment and Human Population

*The impacts analysis identifies and evaluates **direct**, **secondary**, and **cumulative impacts**.*

- **Direct impacts** are those that occur at the same time and place as the action that triggers the effect.
- **Secondary impacts** "are further impacts to the human environment that may be stimulated or induced by or otherwise result from a direct impact of the action." ARM 12.2.429(18).
- **Cumulative impacts** "means the collective impacts on the human environment of the proposed action when considered in conjunction with other past and present actions related to the proposed action by location or generic type. Related future actions must also be considered when these actions are under concurrent consideration by any state agency through pre-impact statement studies, separate impact statement evaluation, or permit processing procedures." ARM 12.2.429(7).

Where impacts are expected to occur, the impact analysis estimates the **extent, duration, frequency, and severity** of the impact. The duration of an impact is quantified as follows:

- **Short-Term:** impacts that would not last longer than the proposed project.
- **Long-Term:** impacts that would remain or occur following the proposed project.

The severity of an impact is measured using the following:

- **No Impact:** there would be no change from current conditions.
- **Negligible:** an adverse or beneficial effect would occur but would be at the lowest levels of detection.
- **Minor:** the effect would be noticeable but would be relatively small and would not affect the function or integrity of the resource.
- **Moderate:** the effect would be easily identifiable and would change the function or integrity of the resource.
- **Major:** the effect would irretrievably alter the resource.

Some impacts may require mitigation. As defined in ARM 12.2.429, mitigation means:

- Avoiding an impact by not taking a certain action or parts of a project;
- Minimizing impacts by limiting the degree or magnitude of a project and its implementation;
- Rectifying an impact by repairing, rehabilitating, or restoring the affected environment; or
- Reducing or eliminating an impact over time by preservation and maintenance operations during the life of a project or the time period thereafter that an impact continues.

A list of any mitigation strategies including, but not limited to, design, enforceable controls or stipulations, or both, as applicable to the proposed project is included in **Section VI** above.

FWP must analyze impacts to the physical and human environment for each alternative considered. The proposed project considered the following alternatives:

- **Alternative 1: No Action. Evaluation and Summary of Potential Impacts on the Physical Environment and Human Population**

Under the “No Action” alternative, the proposed project would not occur. Therefore, no additional impacts to the physical environment or human population in the analysis area would occur. The “No Action” alternative forms the baseline from which the potential impacts of the proposed Project can be measured.

- **Alternative 2: Proposed Project. Evaluation and Summary of Potential Impacts on the Physical Environment and Human Population**

See **Table 3** (Impacts on Physical Environment) and **Table 4** (Impacts on Human Population) below.

Table 3 - Potential Impacts of Proposed Project on the Physical Environment

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
Terrestrial, avian, and aquatic life and habitats	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to terrestrial, avian, and aquatic life and habitats would be expected because of the proposed project. The project is expected to increase wildlife habitat diversity and quality for many game and nongame species. Therefore, any impacts from the proposed project to terrestrial, avian, and aquatic life and habitats in the affected area would be long-term, moderate, and beneficial.
Water quality, quantity, and distribution	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to water quality, quantity, and distribution would be expected because of the proposed project. The goal of the proposed project is to purchase land to protect and enhance existing wildlife habitat and create a new public access opportunity along the lower Yellowstone River, in line with FWP and advisory committee objectives for the affected area. Management of the property as a WMA would allow the Yellowstone River to conduct its natural processes, such as flooding and cottonwood regeneration, thereby enhancing existing wildlife habitat in the affected area, including existing water resources. Any impacts would be long-term, minor to moderate, and beneficial.
Geology	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to geology would be expected because of the proposed project. The goal of the proposed project is to purchase land to protect and enhance existing wildlife habitat and create a new public access opportunity along the lower Yellowstone River, in line with FWP and advisory committee objectives for the affected area. Further, no unique or special geologic formations exist in the affected area and no ground disturbing activities would be proposed. Therefore, no

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
									impacts would be expected because of the proposed project.
Soil quality, stability, and moisture	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected to soil quality, stability and moisture would be expected from the proposed project. The goal of the proposed project is to purchase land to protect and enhance existing wildlife habitat and create a new public access opportunity in the LYR, in line with FWP and advisory committee objectives for the affected area. Further, no ground disturbing activities are proposed. Therefore, no impacts would be expected because of the proposed project.
Vegetation cover, quantity, and quality	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to vegetation cover, quantity, and quality would be expected because of the proposed project. The project would be expected to increase vegetation diversity and quality through the implementation of noxious weed control practices and habitat improvement projects consistent with management of WMAs, as outlined in the Region 7 WMA Management Plan. Therefore, any impacts from the proposed project to vegetation cover, quantity, and quality in the affected area would be long-term, minor, and beneficial.
Aesthetics	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to aesthetics would be expected because of the proposed project. The goal of the proposed project is to purchase land to protect and enhance existing wildlife habitat and create a new public access opportunity along the lower Yellowstone River, in line with FWP and advisory committee objectives for the affected area. WMA management practices intended to improve wildlife habitat and recreational opportunities in the affected area would be expected to improve the aesthetic nature of the affected area. Therefore, any impacts from the proposed project to aesthetics in the

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
									affected area would be long-term, moderate, and beneficial.
Air quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to air quality would be expected because of the proposed project. Air quality in the affected area is currently unclassifiable or in compliance with applicable national ambient air quality standards (NAAQS). The Colstrip coal-fired power plant is located approximately 23 miles SSW from the affected area. No other significant point-sources of air pollution exist in the affected area. Existing sources of air pollution are limited and generally include unpaved county roads (fugitive dust source), vehicle exhaust emissions, and various agricultural practices (vehicle exhaust and fugitive dust emissions). Increased vehicle traffic on existing roadways within the affected property would be expected because of the new public access. Fugitive dust and vehicle exhaust resulting from increased vehicle use of local and property roadways may directly impact air quality in the affected area. Any expected impacts would be short- and long-term, mitigated by local dust control practices, as applicable, consistent with existing impacts in the affected area, and negligible to minor depending on the level of increased traffic.
Unique, endangered, fragile, or limited environmental resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. The presence of any animal and/or plant Species of Concern or any Threatened or Endangered species located within or with the potential to use the affected area were assessed and include bald eagle, little brown myotis, spiny softshell turtle, black-tailed prairie dog, great blue heron and other species of concern are known to use the property see Appendix A. The goal of the proposed project is to purchase land to protect and enhance existing wildlife habitat and create a

PHYSICAL ENVIRONMENT		Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
Resource		None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
										new public access opportunity in the LYR, in line with FWP and advisory committee objectives for the affected area. Therefore, any expected impacts would be short- and long-term, minor, and beneficial. If future developments take place on the WMA, additional environmental review would be prepared to identify and disclose any potential adverse impacts to unique, endangered, fragile, or limited environmental resources that may inhabit or use the affected area.
Historical and archaeological sites		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to any historic and/or archaeological sites would be expected because of the proposed project. In keeping with the Montana Antiquities Act and related regulations (ARM 12.8.501-12.8.510), all undertakings on state lands are assessed by a qualified archaeologist or historian for their potential to affect cultural resources. The process for this assessment may include a cultural resource inventory and evaluation of cultural resources within or near the proposed project area. This process is accomplished in consultation with SHPO, and any/all affected THPOs. A cultural resource inventory has been developed and evaluated for the proposed project. According to the Montana Cultural Resource Database, there have been three heritage properties recorded in the same sections as the proposed Wildcat WMA land acquisition, as follows: <i>Site #24RB1518, Precontact Lithic Material Concentration; Site #24RB2234, Historic Railroad; and Site #24RB2542, Historic Exploration (Lewis and Clark Historic Trail). Site #24RB2542, Lewis and Clark Historic Trail, directly overlaps the affected property and thus is potentially impacted by the proposed project. The other two</i>

PHYSICAL ENVIRONMENT		Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
Resource		None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
										<p>identified heritage properties do not overlap with the affected property; therefore, no impacts to these sites would be expected because of the proposed project. When cultural resources within or near the project area are recorded and are deemed eligible for the National Register of Historic Places, they must be protected from adverse impacts through adjustments to the project design or cancellation of the project if no design alternatives are available. National Register of Historic Places eligibility status for the affected segment of the Lewis and Clark Trail is "Undetermined". Further, no new ground disturbing activities are proposed at the affected site under the proposed action. Therefore, no impacts to any cultural resources would be expected because of the proposed project. If, in the future, FWP undertakes any ground disturbing activities at the affected site, additional consultation with SHPO and affected THPOs would occur prior to project approval and additional review and analysis of potential impacts to any identified cultural resources, including the Lewis and Clark Historic Trail, will be conducted at that time in accordance with applicable requirements. Any necessary mitigations would also be identified and implemented prior to project approval. If additional cultural resources are unexpectedly discovered during project implementation, FWP would cease any implementation practices with the potential to impact such resources and contact FWP's Heritage Program for further evaluation.</p>
Demands on environmental		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to demands on environmental resources of land, water, air, and energy

PHYSICAL ENVIRONMENT	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
resources of land, water, air, and energy									would be expected because of the proposed project. No increased use of fuel would be required for the proposed project; therefore, no impacts to the environmental resource of energy would be expected because of the proposed project. As identified through the analyses of potential impacts to water quality, quantity, and distribution; soil quality, stability, and moisture; vegetation cover, quantity, and quality; and air quality, some impacts to the environmental resources of land, water, and air may occur because of the proposed project. However, any such impacts would be consistent with current and historic impacts in the affected area, short- and long-term, beneficial, adverse, and negligible to moderate. Reference affected impacts analyses above. No other impacts to the demands on environmental resources of land, water, air, and energy would be expected because of the proposed project.

Table 4 - Potential Impacts of Proposed Project on the Human Population

HUMAN POPULATION	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
Social structures and mores	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. The goal of the proposed project is to purchase land to protect and enhance existing wildlife habitat and create a new public access opportunity in the LYR, in line with FWP and advisory committee objectives for the affected area. As recognized by the advisory committee, many Montanans, and those visiting the state for outdoor recreational purposes hold high regard for the conservation of public

HUMAN POPULATION	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
									lands, such as WMAs. The proposed project would change current private land uses to support public recreation and wildlife habitat improvements. Therefore, the proposed project would be expected to benefit pre-project social structures, customs, values, and conventions in the affected area. Any impacts would be short- and long-term, minor to moderate, and beneficial.
Cultural uniqueness and diversity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant impacts to existing cultural uniqueness and diversity in the affected area would be expected because of the proposed project. The goal of the proposed project is to purchase land to protect and enhance existing wildlife habitat and create a new public access opportunity along the lower Yellowstone River, in line with FWP and advisory committee objectives for the affected area. It is not expected this action would result in any relocation of people into or out of the affected area. Therefore, no impacts to pre-project cultural uniqueness and diversity of the affected area would be expected because of the proposed project.
Access to and quality of recreational and wilderness activities	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No significant adverse impacts to access to and quality of recreational and wilderness activities would be expected because of the proposed project. No Wilderness areas currently exist in the affected area; therefore, no impacts to Wilderness recreation activities would occur because of the proposed project. The proposed project would increase opportunities for public access to state-owned lands and enhance the quality of recreational activities in the affected area. Therefore, any impacts from the proposed project would be long-term, major, and beneficial.
Local and state tax base and tax revenues	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to local and state tax base and tax revenues would be expected because of the proposed project. The proposed project constitutes the

HUMAN POPULATION	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
									purchase of 328-acres currently held by private entities and subject to state and local property taxes. Upon property acquisition, FWP would assume responsibility for all applicable local and state property taxes. Therefore, no impacts to the local and state property tax base and tax revenue would be expected. Additionally, the proposed project would be expected to boost the local economy, including local tax revenues, due to the expected increase of visitors using the affected area for recreational purposes and associated local purchasing of goods and services. Any impacts would be long-term and negligible to minor.
Agricultural or Industrial production	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant impacts to agricultural or industrial production in the affected area would be expected because of the proposed project. No industrial operations currently exist within the affected area, therefore, no impacts to such resources would be expected. The affected area surrounding the proposed project is currently used for cattle grazing and other agricultural purposes or has the potential to be used for such purposes. As such, agricultural production in the affected area would continue in a manner and at a level consistent with existing land practices. Therefore, it would be expected that any impacts to existing agricultural production would be short- and long-term, consistent with existing impacts, and negligible to minor.
Human health and safety	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to human health and safety would be expected because of the proposed project. The proposed project would be expected to increase public access opportunity, as well as the quality and safety of recreational activities. Additionally, there will be FWP staff, including local game wardens who will patrol the area to ensure that all property rules and regulations are

HUMAN POPULATION		Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
Resource		None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
										followed. Therefore, any impacts from the proposed project to human health and safety would be long-term, moderate, and beneficial.
Quantity and distribution of employment		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No impacts to quantity and distribution of employment would be expected because of the proposed project. The goal of the proposed project is to purchase land to protect and enhance existing wildlife habitat and create a new public access opportunity along the lower Yellowstone River, in line with FWP and advisory committee objectives for the affected area. While the proposed project would be expected to increase public use of the affected area, it would not be expected to create additional, long-term new employment opportunities in the affected area. Therefore, no impacts would be expected because of the proposed project.
Distribution and density of population and housing		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts would be expected because of the proposed project. The goal of the proposed project is to purchase land to protect and enhance existing wildlife habitat and create a new public access opportunity in the LYR, in line with FWP and advisory committee objectives for the affected area. Therefore, the movement of existing or new population in to or out of the affected area would not be expected. Therefore, no impacts to the distribution and density of population and housing needs would be expected because of the proposed project.
Demands for government services		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to existing demands for government services in the affected area would be expected because of the proposed project. The goal of the proposed project is to purchase land to protect and enhance existing wildlife habitat and create a new public access opportunity along the lower Yellowstone River, in line with FWP and advisory committee objectives for the

HUMAN POPULATION	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
Resource	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
									affected area. The proposed acquisition and subsequent WMA designation would require FWP personnel to manage the affected property according to the Region 7 WMA Management Plan. However, existing FWP personnel would take on management responsibilities for the new WMA as part of their typical day-to-day operations. Therefore, any impacts to existing demands for government services would be long-term and negligible to minor.
Industrial, agricultural, and commercial activity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to industrial, agricultural, and commercial activity would be expected because of the proposed project. The proposed project does not currently accommodate industrial, agricultural, or commercial activity. Also, the affected area surrounding the proposed project is currently used for cattle grazing and other agricultural purposes or has the potential to be used for cattle grazing and other commercial, agricultural purposes. As such, commercial agricultural activity in the affected area would continue in a manner and at a level consistent with existing land practices. Therefore, any impacts would be consistent with existing impacts, long-term, and negligible to minor.
Locally adopted environmental plans and goals	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No significant adverse impacts to locally adopted environmental plans and goals would be expected because of the proposed project. The goal of the proposed project, and a primary goal of all WMAs, is to protect and enhance existing wildlife habitat and create public access opportunities, in this case in line with FWP and advisory committee objectives for the affected area. Effectively, the proposed project would satisfy the local goal to improve public access, habitat conservation, and management within the LYR, as set forth by the advisory committee. FWP is unaware of any other locally adopted

HUMAN POPULATION	Duration of Impact			Severity of Impact					Summary of Potential Direct, Secondary, and Cumulative Impacts and Mitigation Measures
	None	Short-Term	Long-Term	None	Negligible	Minor	Moderate	Major	
									environmental plans or goals that may be impacted by the proposed project. Therefore, any impacts from the proposed project to locally adopted environmental plans and goals would be long-term, major, and beneficial.
Other appropriate social and economic circumstances	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No significant adverse impacts to other appropriate social and economic circumstances would be expected because of the proposed project. The proposed project would be expected to increase public access and recreational opportunities, as well as the quality of recreational activities. Additionally, the proposed project would be expected to boost the local economy due to the increase of visitors using the affected area for recreational purposes. Therefore, any impacts from the proposed project to other appropriate social and economic circumstances would be long-term, moderate, and beneficial.

Table 6: Determining the Significance of Impacts on the Quality of the Human Environment

<p>If the EA identifies impacts associated with the proposed project FWP must determine the significance of the impacts. ARM 12.2.431. This determination forms the basis for FWP's decision as to whether it is necessary to prepare an environmental impact statement. An impact may be adverse, beneficial, or both. If none of the adverse effects of the impact are significant, an EIS is not required. An EIS is required if an impact has a significant adverse effect, even if the agency believes that the effect on balance will be beneficial. ARM 12.2.431.</p> <p>According to the applicable requirements of ARM 12.2.431, FWP must consider the criteria identified in this table to determine the significance of each impact on the quality of the human environment. The significance determination is made by giving weight to these criteria in their totality. For example, impacts identified as moderate or major in severity may not be significant if the duration is short-term. However, moderate or major impacts of short-term duration may be significant if the quantity and quality of the resource is limited and/or the resource is unique or fragile. Further, moderate or major impacts to a resource may not be significant if the quantity of that resource is high or the quality of the resource is not unique or fragile.</p>	
Criteria Used to Determine Significance	
1	The severity, duration, geographic extent, and frequency of the occurrence of the impact

	<p>“Severity” describes the density of the potential impact, while “extent” describes the area where the impact will likely occur, e.g., a project may propagate ten noxious weeds on a surface area of 1 square foot. Here, the impact may be high in severity, but over a low extent. In contrast, if ten noxious weeds were distributed over ten acres, there may be low severity over a larger extent.</p> <p>“Duration” describes the time period during which an impact may occur, while “frequency” describes how often the impact may occur, e.g., an operation that uses lights to mine at night may have frequent lighting impacts during one season (duration).</p>
2	The probability that the impact will occur if the proposed project occurs; or conversely, reasonable assurance in keeping with the potential severity of an impact that the impact will not occur
3	Growth-inducing or growth-inhibiting aspects of the impact, including the relationship or contribution of the impact to cumulative impacts
4	The quantity and quality of each environmental resource or value that would be affected, including the uniqueness and fragility of those resources and values
5	The importance to the state and to society of each environmental resource or value that would be affected
6	Any precedent that would be set as a result of an impact of the proposed project that would commit FWP to future actions with significant impacts or a decision in principle about such future actions
7	Potential conflict with local, state, or federal laws, requirements, or formal plans

VIII. Private Property Impact Analysis (Takings)

The 54th Montana Legislature enacted the Private Property Assessment Act, now found at § 2-10-101. The intent was to establish an orderly and consistent process by which state agencies evaluate their proposed projects 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 projects pertaining to land or water management or to some other environmental matter that, if adopted and enforced without due process of law and just 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 agencies to assess the impact of a proposed agency project 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 project has taking or damaging implications, the agency must prepare an impact assessment in accordance with Section 5 of the Private Property Assessment Act.

Table 7: Private Property Assessment (Takings)

PRIVATE PROPERTY ASSESMENT ACT (PPAA)			
Does the Proposed Action Have Takings Implications under the PPAA?	Question #	Yes	No
Does the project pertain to land or water management or environmental regulations affecting private property or water rights?	1	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action result in either a permanent or an indefinite physical occupation of private property?	2	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action deprive the owner of all economically viable uses of the property?	3	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action require a property owner to dedicate a portion of property or to grant an easement? (If answer is NO, skip questions 4a and 4b and continue with question 5)	4	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is there a reasonable, specific connection between the government requirement and legitimate state interest?	4a	<input type="checkbox"/>	<input type="checkbox"/>
Is the government requirement roughly proportional to the impact of the proposed use of the property?	4b	<input type="checkbox"/>	<input type="checkbox"/>
Does the action deny a fundamental attribute of ownership?	5	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action have a severe impact of the value of the property?	6	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the action damage the property by causing some physical disturbance with respect to the property in excess of that sustained by the public general? (If the answer is NO, skip questions 7a-7c.)	7	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the impact of government action direct, peculiar, and significant?	7a	<input type="checkbox"/>	<input type="checkbox"/>
Has the government action resulted in the property becoming practically inaccessible, waterlogged, or flooded?	7b	<input type="checkbox"/>	<input type="checkbox"/>
Has the government action diminished property values by more than 30% and necessitated the physical taking of adjacent property or property across a public way from the property in question?	7c	<input type="checkbox"/>	<input type="checkbox"/>
Does the proposed action result in taking or damaging implications?		<input type="checkbox"/>	<input checked="" type="checkbox"/>

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 question 4a or 4b.

If taking or damaging implications exist, the agency must comply with MCA § 2-10-105 of the PPAA, 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.

Alternatives:

The analysis under the Private Property Assessment Act, §§ 2-10-101 through -112, MCA, indicates no impact. FWP does not plan to impose conditions that would restrict the regulated person's use of private property to constitute a taking.

IX. Public Participation

The level of analysis in an EA will vary with the complexity and seriousness of environmental issues associated with a proposed action. The level of public interest will also vary. FWP is responsible for adjusting public review to match these factors (ARM 12.2.433(1)). Because FWP determines the proposed action will result in limited environmental impact, and little public interest has been expressed, FWP determines the following public notice strategy will provide an appropriate level of public review:

- *An EA is a public document and may be inspected upon request. Any person may obtain a copy of an EA by making a request to FWP. If the document is out-of-print, a copying charge may be levied (ARM 12.2.433(2)).*
- *Public notice will be served on the Montana Fish, Wildlife and Parks website at: <https://fwp.mt.gov/news/public-notices>*
- *Copies will be distributed to neighboring landowners to ensure their knowledge of the proposed project and opportunity for review and comment on the proposed action.*
- *FWP maintains a mailing list of persons interested in a particular action or type of action. FWP will notify all interested persons and distribute copies of the EA to those persons for review and comment (ARM 12.2.433(3)).*
- *FWP will issue public notice in the following newspaper periodical(s) on the date(s) indicated.*

Newspaper / Periodical	Date(s) Public Notice Issued
Miles City Star	Week of July 31st
Forsyth Independent-Press	Week of July 31st

- *Public notice will announce the availability of the EA, summarize its content, and solicit public comment.*
 - ***Duration of Public Comment Period:*** *The public comment period begins on the date of publication of legal notice in area newspapers (see above). Written or e-mailed comments will be accepted until 5:00 p.m., MST, on the last day of public comment, as listed below:*
Length of Public Comment Period: 30 days
Public Comment Period Begins: 08/01/2023
Public Comment Period Ends: 08/30/2023

Comments must be addressed to the FWP contact, as listed below.

- ***Where to Mail or Email Comments on the Draft EA:***
Name: BRETT DORAK
Email: Brett.Dorak@mt.gov
Mailing Address:
Montana Fish, Wildlife & Parks
PO Box 1630, Miles City, MT 59301


X. Recommendation for Further Environmental Analysis

NO further analysis is needed for the proposed action	<input checked="" type="checkbox"/>
FWP must conduct EIS level review for the proposed action	<input type="checkbox"/>

XI. EA Preparation and Review

	Name	Title
EA prepared by:	Garrett Jericoff Brett Dorak	Recreation Manager Wildlife Manager
EA reviewed by:	Eric Merchant	MEPA Coordinator

XII. Appendix A – Wildlife Species of Concern Present in Affected Area




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Species Occurrences

from Environmental Summary



Latitude	Longitude
46.15734	-108.46970
45.11632	-108.55908



Summarized by: Wildcat Properties (Custom Area of Interest)
Filtered by: Species with MT Status = Species of Concern, Special Status, Important Animal Habitat, Potential SOC



Suggested Citation: Montana Natural Heritage Program. Environmental Summary Report. Custom Field Guide. Summarized by: Wildcat Properties (Custom Area of Interest). Filtered by: Species with MT Status = Species of Concern, Special Status, Important Animal Habitat, Potential SOC. Retrieved on 7/21/2023.

Note: This PDF version of the Montana Field Guide is intended to assist in offline identification and field work. It is not intended to replace the online Field Guide, as that version contains more information and is updated daily. For the most up-to-date information on Montana species, please visit FieldGuide.mt.gov

The Montana Natural Heritage Program is part of the Montana State Library's Natural Resource Information System. Since 1985, it has served as a neutral and non-regulatory provider of easily accessible information on Montana's species and biological communities to inform all stakeholders in environmental review, permitting, and planning processes. The program is part of the NatureServe network that is composed of over 60 member programs across North America that work to provide current and comprehensive distribution and status information on species and biological communities.





Species of Concern

Native Species

Global Rank: G3G4

State Rank: S2S3

Agency Status

USFWS:

USFS:

BLM:

FWP SWAP: SGCN2-3

General Description

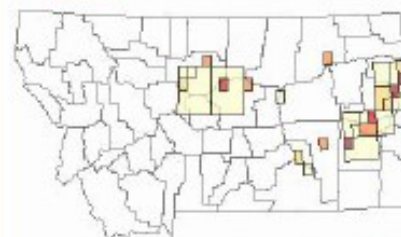
Eastern Montana is the home of the Blue Sucker. This species appears to inhabit only the larger streams, primarily the Missouri and Yellowstone rivers. It is easily recognized by its elongate shape, long dorsal fin, and slate-blue coloration. The largest weight for this species in Montana is slightly over 10 pounds. It was once taken commercially from the Mississippi River but is now too rare.

Montana populations appear to be stable and fairly abundant with a healthy size structure. Although the Blue Sucker populations appear to be healthy and stable, special recognition is warranted because this species may be susceptible to population declines due to its unique biological characteristics (longevity, low recruitment, migratory nature and reliance on high flows in tributary streams for spawning). Montana has some of the finest habitat for Blue Suckers found in their range and losses of Montana populations would be significant to the overall gene pool (Montana AFS Species Status Account).

For a comprehensive review of the ecology, conservation status, threats, and management of this and other Montana fish species of concern, please see Montana Chapter of the American Fisheries Society Species of Concern Status Reviews.



Range: Native



of Obs: 1-9 10-16 17-25 26-44

Observations: 291



Diagnostic Characteristics

The Blue Sucker has a back and sides that are dark blue to dark olive, and a white underside. Its most distinctive features are its elongated head/snout and the tall, sickle-shaped dorsal fin.

Habitat

Blue Suckers prefer waters with low turbidity and swift current (Brown 1971).



Species of Concern
Native Species
Global Rank: G4
State Rank: S2

Agency Status
USFWS:
USFS:
BLM: SENSITIVE
FWP SWAP: SGCN2

General Description

The Paddlefish is an ancient, mostly cartilaginous fish with a smooth skin. It is a close relative of sturgeons. Although it is sometimes called a spoonbill or spoonbill cat, it is not closely related to catfish. Most species of Paddlefish are now extinct, and fossil Paddlefish from 60 million years ago have been found in the Missouri River basin near Fort Peck Reservoir, Montana (Montana AFS Species Status Account).

Montana is home to one of the few remaining self-sustaining populations of Paddlefish, and harbors the largest individual fish as well. Specimens have been taken weighing up to 150 pounds.

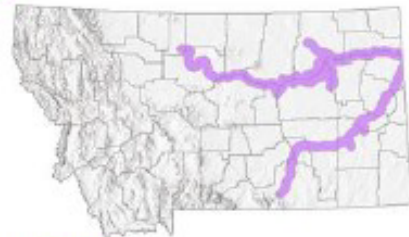
For a comprehensive review of the ecology, conservation status, threats, and management of this and other Montana fish species of concern, please see Montana Chapter of the American Fisheries Society Species of Concern Status Reviews.

Diagnostic Characteristics

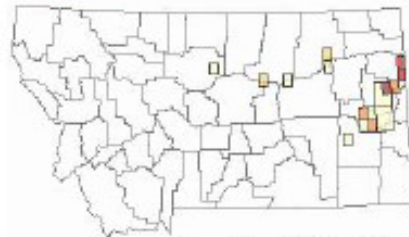
Paddlefish are readily identified by the long paddle-like snout, long, tapered gill covers, and the "backbone" bent up into the upper lobe of the tail fin. The body is smooth and virtually scaleless (Holton and Johnson 2003).

Habitat

Habitat includes slow or quiet waters of large rivers or impoundments. They spawn on the gravel bars of large rivers during spring high water. Paddlefish tolerate, or perhaps seek, turbid water (Holton and Johnson 2003).

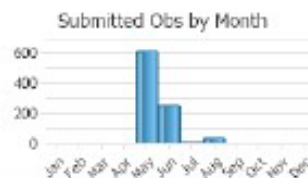


Range: Native



of Obs: 1-2 3-7 8-103 100-173 174-441

Observations: 933





Species of Concern
Native Species
Global Rank: G2
State Rank: S1

Agency Status
USFWS: LE
USFS:
BLM: ENDANGERED
FWP SWAP: SGCN1

General Description

The Pallid Sturgeon is the larger of the two species of sturgeon found east of the Continental Divide. Both sturgeon species, Pallid and Shovelnose, co-occur in the Missouri and Yellowstone Rivers. Pallid sturgeons have a unique dinosaur-like appearance and have been swimming around since the dinosaurs. They have a flattened snout, long slender tail and are armored with lengthwise rows of bony plates instead of scales. Their mouth is toothless and positioned under the snout for sucking small fishes and invertebrates from the river bottom. Pallid sturgeon can weigh up to 80 pounds and grow to about 6 feet long.

For a comprehensive review of the ecology, conservation status, threats, and management of this and other Montana fish species of concern, please see Montana Chapter of the American Fisheries Society Species of Concern Status Reviews.

Diagnostic Characteristics

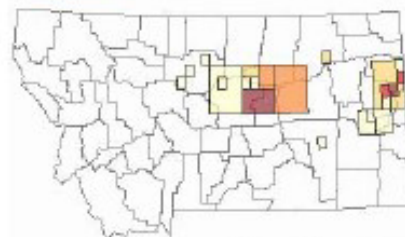
The Pallid Sturgeon is a large fish (to 186 centimeters) with a heterocercal tail, a long slender caudal peduncle, a flat shovel-shaped snout, four fringed barbels on the snout, a ventral mouth, and large bony scutes on the head, back, and sides; 37 to 43 dorsal rays; 24 to 28 anal rays (Page and Burr 1991). The Pallid Sturgeon is similar to the Shovelnose Sturgeon but has no scale-like scutes on the belly, the bases of the outer barbels usually are posterior to the bases of the inner barbels, the inner barbels are shorter, the head is larger, the mouth is wider, the eye is smaller, and the color is usually paler (gray-white above and on sides) (Page and Burr 1991).

Habitat

Pallid Sturgeon use large, turbid rivers over sand and gravel bottoms, usually in strong current; also impoundments of these rivers (FWP). In Montana, Pallid Sturgeon use large turbid streams including the Missouri and Yellowstone rivers (Brown 1971, Flath 1981). They use all channel types, primarily straight reaches with islands (Bramblett 1996). They primarily use areas with substrates containing sand (especially bottom sand dune formations) and fines (93% of observations) (Bramblett 1996). Stream bottom velocities ranged between 0.0 and 1.37 meters per second, with an average of 0.65 meter per second (Bramblett 1996). Depths used were 0.6 to 14.5 meters and averaged 3.30 meters, and they appeared to move deeper during the day (Bramblett 1996). Channel widths from 110 to 1100 meters are used and average 324 meters (Bramblett 1996). Water temperatures used ranged from 2.8 to 20 degrees C. (Tews 1994, Bramblett 1996). Water turbidity ranged from 12 to 6400 NTU (Turbidity Units) (Tews 1994).



Range Native



of Obs: 1-3 4-7 8-10 11-12 13-28

Observations: 143




Species of Concern
Native Species

Global Rank: G5

State Rank: S2

Agency Status

USFWS:

USFS:

BLM: SENSITIVE

FWP SWAP: SGCN2

General Description

The Sauger is one of two native percid species to Montana east of the Continental Divide closely resembling the introduced walleye. It inhabits both large rivers and reservoirs, but is mainly a river fish. In the spring, Sauger broadcast their spawn over riffles in rivers. Sauger are a highly prized sport fish and in some areas outside Montana are also commercially fished. Their major food items are insects and small fish.

For a comprehensive review of the ecology, conservation status, threats, and management of this and other Montana fish species of concern, please see Montana Chapter of the American Fisheries Society Species of Concern Status Reviews.

Diagnostic Characteristics

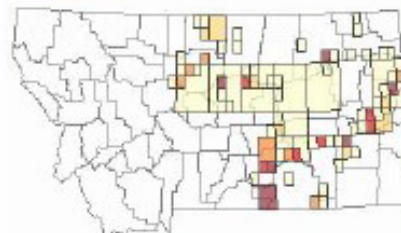
One of the most important features to differentiate sauger from walleye is the spotted dorsal fin, which has a spiny appearance. Sauger jaws and the roof of the mouth have large canine teeth. The body is almost round in cross section. The anal fin has 2 spines and 11 to 14 (usually 12 or 13) soft rays. The body often has a grayish hue with dark blotches.

Habitat

Sauger inhabit the larger turbid rivers and the muddy shallows of lakes and reservoirs. They spawn in gravelly or rocky areas in shallow water and seem to prefer turbid water.



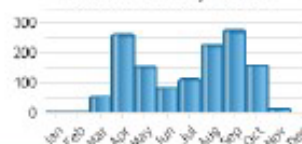
Range: Native



of Obs: 1-7 8-18 19-33 34-55 56-119

Observations: 1380

Submitted Obs by Month





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Species of Concern
Native Species
Global Rank: G3
State Rank: S2S3

Agency Status
USFWS:
USFS:
BLM: SENSITIVE
FWP SWAP: SGCN2-3



Range: **Native** **Historical**



of Obs: 1-3 4-5 6-8 9-10 11-15
Observations: 181



General Description

The Sturgeon Chub is one of several native minnows found in the eastern MT prairie river drainages (Missouri, lower Yellowstone and Powder Rivers) and is an indicator species of the Large Mainstem Warmwater River Fish Assemblage that includes other big river species—the Sicklefin Chub, Shovelnose Sturgeon, Freshwater Drum and Blue Sucker. This fish is so named because its mouth is ventral and its snout is long and overhangs the mouth, somewhat like the snout of the sturgeon. Sturgeon Chubs have been rarely collected in the past and were placed as a candidate on the Endangered Species list in 1994, but were removed from consideration in 2001 with more collection efforts. They are a Fish Species of Special Concern in Montana (and 9 other states) due to extensive loss of habitat in the Missouri and Bighorn River systems. They are typically found in the rapid, gravelly turbid waters in larger, plains rivers. They are benthic invertivores using their ventral mouth to feed on bottom-dwelling insects; a short intestine also indicates they do not consume plant materials to a large degree. Sturgeon chubs attain a maximum length of about 4 inches and spawn over gravels in June to July.

For a comprehensive review of the ecology, conservation status, threats, and management of this and other Montana fish species of concern, please see Montana Chapter of the American Fisheries Society Species of Concern Status Reviews.

Diagnostic Characteristics

Sturgeon Chub have small eyes and many external papillae on their bodies and fins, probably to aid in locating food (Cross 1967, Pflieger 1975, Montana AFS Species Status Account).

The back is brownish to blueish, and the sides and underparts are silvery to white. The overhanging snout on their ventral mouth is the classic characteristic and there is a conspicuous barbel at each corner of the mouth.

Habitat

Sturgeon Chub are found in turbid water with moderate to strong current over bottoms ranging from rocks and gravel to coarse sand (Brown 1971, Holton 1980).

In the Powder River, Sturgeon Chub were taken most frequently at sites with depths less than 51 centimeters and depth velocities of less than 90 centimeters per second at 0.6 depth (Stewart 1981, Werdon 1992, Gould 1997, Montana AFS Species Status Account).

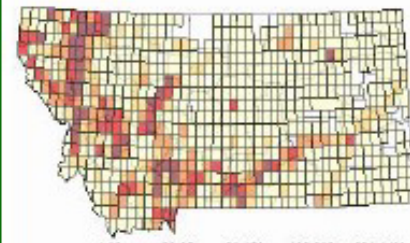


Special Status Species
Native Species
Global Rank: G5
State Rank: S4

Agency Status
USFWS: BGEPA; MBTA
USFS: SENSITIVE
BLM: SENSITIVE
PIF: 2



Range Year-round



of Obs 1-38 39-85 86-150 151-215 216-400

Observations: 45866



General Description

With a white head and tail contrasting with a dark brown body and wings, the adult plumage of the Bald Eagle, attained at approximately 5 years of age, is unmistakable. In addition to the obvious white head and tail, other distinguishing features include the yellow bill, cere, iris, legs and feet. Second in size of North American birds of prey only to the California Condor (*Gymnogyps californianus*), the Bald Eagle ranges in total length from 71 to 96 cm, with an average wingspan of 168 to 244 cm and a body mass ranging from 3.0 to 6.3 kg (Buehler 2000). In general appearance the sexes are similar with females approximately 25 percent larger than males. The plumage of the juvenile birds is much less distinct, being dark brown overall. The head, body, wings, and tail are dark brown with limited mottling on the underside of the wings and on the belly. While the legs and feet of the young bird are yellow like those of adults, the bill and cere are dark gray and the iris is dark brown.

The voice of the Bald Eagle is a weak series of chirps. The vocalization is described as flat chirping, stuttering whistles, given in a halting fashion, with the immature calls generally harsher and more shrill than those of the adults (Buehler 2000, Sibley 2000).

For a comprehensive review of the conservation status, habitat use, and ecology of this and other Montana bird species, please see Marks et al. 2016, Birds of Montana.

Diagnostic Characteristics

In adult plumage, the Bald Eagle is unlikely to be confused with any other species. Juvenile Bald Eagles may be confused with Golden Eagles (*Aquila chrysaetos*), especially with adult Golden Eagles. A few characteristics differentiate these two species. The Bald Eagle has unfeathered legs, while those of the Golden Eagle are feathered. During flight, the head and neck of the Bald Eagle extend to about half the length of the tail, while the Golden Eagle is considerably less. This distinction is true for all age classes of both species. The terminal tail band on the Golden Eagle is dark and well defined, especially on the juveniles. In addition, the underwing and belly of the Bald Eagle show a greater amount of white compared to the Golden Eagle, whose white feathering is restricted to the base of the flight feathers (Buehler 2000).

Habitat

In Montana, as elsewhere, the Bald Eagle is primarily a species of riparian and lacustrine habitats (forested areas along rivers and lakes), especially during the breeding season. Important year-round habitat includes wetlands, major water bodies, spring spawning streams, ungulate winter ranges and open water areas (Bureau of Land Management 1986). Wintering habitat may include upland sites. Nesting sites are generally located within larger

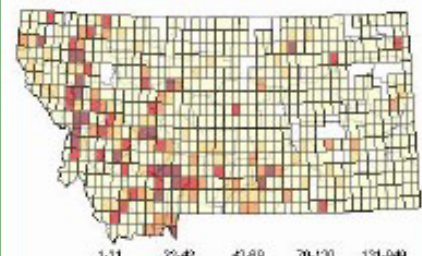
forested areas near large lakes and rivers where nests are usually built in the tallest, oldest, large diameter trees. Nesting site selection is dependent upon maximum local food availability and minimum disturbance from human activity (Montana Bald Eagle Working Group 1994). See the Montana Bald Eagle Management Plan (1994) for further details including home range sizes and habitat requirements of fledgling birds.



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Species of Concern
Native Species
Global Rank: G5
State Rank: S3
Agency Status
USFWS: MBTA
USFS:
BLM:
FWP SWAP: SGCN3
PIP:


Range Year-round Summer Migratory



of Obs: 1-21 22-42 43-63 70-100 101-149

Observations: 17202

General Description

Largest heron in North America, 60 cm tall, 97 to 135 cm long, 2.1 to 2.5 kg mass. Wings long and rounded, bill long and tapered, tail short. Upper parts are gray, fore-neck is streaked with white, black, and rust-brown. Bill yellowish. Legs brownish or greenish. In flight, folds neck in an "S" shape and extends legs along the body axis; wing beats are deep slow wing. Adults have long occipital plumes (Butler 1992).

For a comprehensive review of the conservation status, habitat use, and ecology of this and other Montana bird species, please see Marks et al. 2016, Birds of Montana.

Diagnostic Characteristics

No other heron in Montana is the size or color of the Great Blue Heron, nor are other herons likely to be encountered in Montana during winter.

Habitat

Great Blue Herons are equally at home in urban wetlands and wilderness settings. Most Montana nesting colonies are in cottonwoods along major rivers and lakes; a smaller number occur in riparian ponderosa pines and on islands in prairie wetlands. Nesting trees are the largest available. Active colonies are farther from rivers than inactive colonies. The number of nests in the colony corresponds to the distance from roads (Parker 1980). Great Blue Herons build bulky stick nests high in the trees when nesting near the shores of rivers and lakes and on the ground or in low shrubs when nesting on treeless islands.

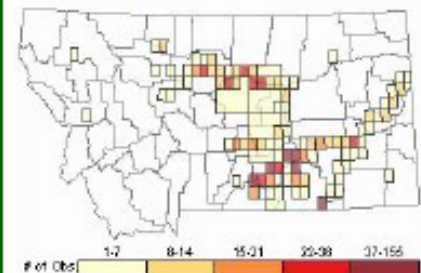


Species of Concern
Native Species
Global Rank: **G5**
State Rank: **S3**

Agency Status
USFWS:
USFS:
BLM: **SENSITIVE**
FWP SWAP: **SGCN3**



Range: **Native** **Historical**



Observations: 1201



General Description

EGGS:

The eggs are hard and white with a smooth and spherical shape. The shell is thick and brittle, approximately 24-32 mm (0.94-1.26 inches) in diameter. Clutch size can range from as few as 4 eggs to as many as 40 (typically 12-18), with eggs deposited in flask-shaped nests that are covered with soil (Webb 1962, Miller et al. 1989, Ernst et al. 1994, Hammerson 1999).

HATCHLINGS:

The carapace is olive to tan, with small dark circles, spots, or dashes, and a yellowish margin bordered by a black line. Carapace is approximately 3-4 cm (1.2-1.6 inches) in length.

JUVENILES AND ADULTS:

Juveniles have characteristics that are female-like, except the carapace coloration, which is male-like.

The shell is flattened (pancake-like), with flexible edges and covered with leathery skin. The tail is thick and long, with the vent well beyond the rear edge of the carapace. Small conical tubercles or "spines" are present on the front edge of the carapace above the neck. The snout is tubular and flexible, with a ridge along the inner margin of each nostril. This allows this species to remain beneath the surface with just the snout exposed. The lips are fleshy and cover sharp-edged jaws. Limbs are flat, and the toes are broadly webbed. Carapace coloration is olive-brown, brown, or grayish, with a cream or yellowish margin. The plastron is unmarked and cream to yellowish in coloration (Webb 1962, Ernst et al. 1994, Hammerson 1999, Stebbins 2003).

In mature males, the carapace has the texture of sandpaper, and marked with small dark spots or circles. The tail is thick and long, with the vent well beyond the rear edge of the carapace. In mature females, the carapace does not have the texture of sandpaper with more mottled or marked with blotches. Tubercles at the front edge of the carapace are more prominent than in males, and the tail is relatively short. Adult females can reach 54 cm (21.3 inches) in carapace length (CL), while males are smaller by an average of 10 cm (3.9 inches) and reach about 22 cm (8.7 inches) in carapace length. For example, a study in southeastern Montana produced fourteen males ranging from 14.8-21.6 cm (5.8-8.5 inches) CL (290-730 grams), and 23 males ranging from 28.3-43.8 cm (11.1-17.2 inches) CL (2080-6700 grams) (Gates 2005).

Diagnostic Characteristics

The Spiny Softshell (*Apalone spinifera*) differs from other Montana turtles by having a flattened and leathery shell that is soft and by the presence of a pointed snout with tubular nostrils. The Smooth Softshell (*A. muticus*), which occurs in the Missouri River in South Dakota and southern North Dakota (Hoberg and Gause 1989, Ballinger et al. 2000), differs from the Spiny Softshell by lacking the ridge on the inner margin of each tubular nostril and the absence of tubercles or spines along the front edge of the carapace (Ernst et al. 1994).

Habitat

The Spiny Softshell is primarily an animal of riverine systems, but also inhabits marshy creeks, bayous, oxbows, lakes, irrigation canals, and impoundments (Webb 1962, Ernst et al. 1994, Hammerson 1999, Stebbins 2003). A

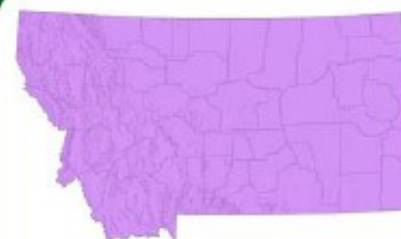
soft bottom in permanent bodies of water with some aquatic vegetation appears to be essential, and sandbars and/or mudflats, as well as partially submerged debris (trees, fallen logs, brush), are usually present. In shallow water, young Spiny Softshell bury themselves in soft sand and silt to seek refuge and concealment (Baxter and Stone 1985). In Iowa, females seemed to prefer open water more than males (Williams and Christiansen 1981). Eggs are laid in nests dug in open areas in sand, gravel, or soft soil near water (Baxter and Stone 1985, Ernst et al. 1994, Hammerson 1999, Stebbins 2003).

Habitat use by Spiny Softshell in Montana is probably similar to elsewhere in the range, but studies are lacking and there is little qualitative information available. They are encountered most often in the larger rivers and their tributaries. Adult males and females have been observed basking together on partially submerged logs in backwater sites of slow-moving water, on sandy and muddy riverbanks, and on partially submerged rocks in shallow water along major rivers. Hatchlings have been found in shallow water at the edge of rivers, burrowing into silty substrate with emergent vegetation present (Paul Hendricks, personal observation). A small-scale trapping and visual encounter survey conducted on a six-mile stretch of the upper Tongue River in southeastern Montana concluded that the most successful trapping locations were near sandbar islands adjacent to pools with a soft organic bottom. Additionally, stretches of river with exposed boulders and basking logs produced the most visual observations (Gates 2005).



Species of Concern
Native Species
Global Rank: G3G4
State Rank: S3

Agency Status
USFWS:
USFS:
BLM:
FWP SWAP: SGCN3

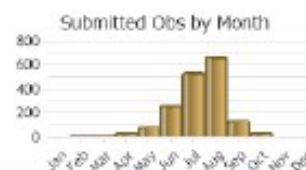


Range: ☒ Native



of Obs: 1-6 7-12 13-20 21-32 33-48

Observations: 1821



General Description

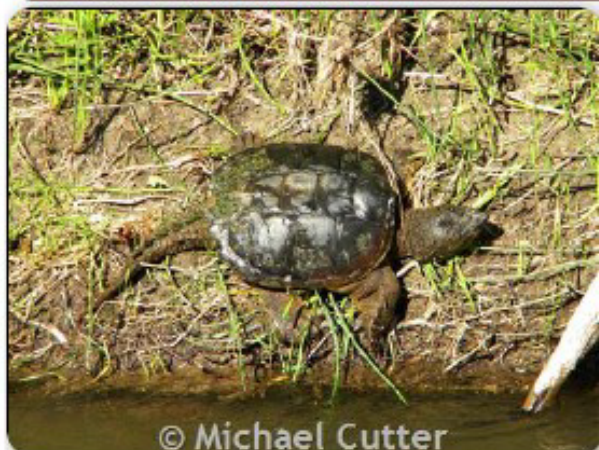
The most common bat species in Montana (Foresman 2012). Cinnamon-buff to dark brown above, buffy to pale gray below; hairs on back have long glossy tips; ears, when laid forward, reach approximately to the nostril; tragus about half as high as ear; calcar without keel; length of head and body 41 to 54 mm, ear 11.0 to 15.5 mm, forearm 33 to 41 mm; braincase rises gradually from rostrum; greatest length of skull 14 to 16 mm; length of upper toothrow 5.0 to 6.6 mm (Hall 1981).

Diagnostic Characteristics

Can be distinguished from all but one of the seven *Myotis* species in Montana by the absence of a fringe of hair around the uropatagium and the absence of a keeled calcar. Can be distinguished from Yuma myotis by the glossy appearance of the dorsal hair and dark brown ear color. (Foresman 2012)

Habitat

Found in a variety of habitats across a large elevation gradient. Commonly forages over water. Summer day roosts include attics, barns, bridges, snags, loose bark, and bat houses. Known maternity roosts in Montana are primarily buildings. Hibernacula include caves and mines.

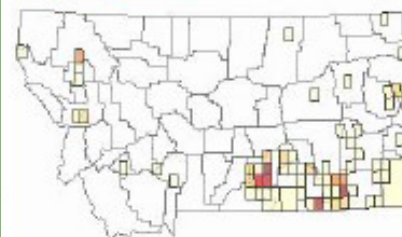


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Species of Concern
Native/Non-native Species
(depends on location or taxa)
Global Rank: G5
State Rank: S3
Agency Status
USFWS:
USFS:
BLM: SENSITIVE
FWP SWAP: SGCN3, SGIN



Range: Native Non-native



of Obs: 1-3 4-6 7-12 13-22 23-327

Observations: 480



General Description

EGGS:

Eggs are white and round. They range from 23-33 mm in length, averaging 27-28 mm. The shell is leathery and is somewhat pliable. Clutch size ranges from 6-109 eggs (Werner et al. 2004).

HATCHLINGS:

Hatchlings are dark brown to black with conspicuous ridges on their carapace. The carapace measure 2.5-3.8 cm (1-1.5 inches) in length (Ernst et al. 1994, Werner et al. 2004).

JUVENILES AND ADULTS:

This species are large, stout turtles with an adult carapace length (CL) typically 20-35 cm (8-14 inches), but grow larger in populations of the southern United States (Degenhardt et al. 1996). Adults usually weigh 4.5-16 kilograms (10-35 lbs). However, one Montana individual found in the Redwater River reached 32 pounds (Aderhold 1980) and another Montana specimen reportedly reached 48 pounds (Werner et al. 2004). Their tails are long about the length of the carapace (dorsal shell), with three rows of distinct sawtooth-shaped projections. The plastron (ventral shell) is brown with three keels that are more easily discerned in younger individuals. In older individuals, a good portion of the carapace is usually covered with algae. The cream-yellow plastron is greatly reduced compared to other turtles, and forms a cross-like shape. It has a large head with slightly hooked upper jaw. They have long necks with tubercles on the dorsal surface. They have webbed toes and powerful claws. The anal vent of the male usually extends past the posterior edge of the carapace, whereas it is found anterior to the rim in females. Males will usually grow larger than females (Hammerson 1999).

Diagnostic Characteristics

The Snapping Turtle is the only turtle in Montana with a reduced plastron covering less than half of the ventral surface, keeled scutes on the carapace, and a tail approximately as long as the carapace. There is no bright orange or yellow coloration as found on the Painted Turtle (*Chrysemys picta*), and their carapace is hard, unlike the soft, leathery shell of the Spiny Softshell (*Apalone spinifer*) (Black 1970c, Black and Black 1971, Werner et al. 2004).

Habitat

Habitats used in Montana are probably similar to other areas in their range, but local studies are lacking and there is little qualitative information available. They have been captured or observed in backwaters along major rivers, at smaller reservoirs, and in smaller streams and creeks with permanent flowing water and sandy or muddy bottoms (Reichel 1995b, Hendricks and Reichel 1996b, Gates 2005, Paul Hendricks, personal observation). They have also been observed in temporary pools along small intermittent streams near Decker, Montana (M. Gates, personal observation). Nesting habitat and nest sites have not been described.

Freshwater habitats with a soft mud bottom and cover such as abundant aquatic vegetation or submerged brush and logs are preferred (Hammerson 1999) and brackish water in some areas. Although found most often in shallower water, an Ontario, Canada individual was observed by R. J. Brooks regularly diving 10 m to the bottom of a lake (Ernst et al. 1994). Temporary ponds and reservoirs may also be occupied. Hatchlings and juveniles tend to occupy shallower sites than mature individuals in the same water bodies. They are mostly bottom dwellers, where they spend much of their time. Although highly aquatic, they may make long movements overland if their pond or marsh dries (Baxter and Stone 1985, Ernest et al. 1994, Hammerson 1999). Snapping Turtles have a high-water loss gradient (0.64 grams/hour); therefore, they are at risk out of water in warm or dry conditions and rarely bask out of water. Aerial basking is more common in cooler environments in the northern portions of their range (Ernst et al. 1994) and has been observed on the Tongue River of southeastern Montana (Matt Gates, personal observation). They hibernate singly or in groups in streams, lakes, ponds, or marshes; in bottom mud, in or under submerged logs or debris, under an overhanging bank, or in Muskrat (*Ondatra zibethicus* spp.) tunnels; often in shallow water; sometimes in anoxic sites (Brown and Brooks 1994).

Management

The following was taken from the Status and Conservation section for the Snapping Turtle account in [Maxell et al. 2009](#)

Although this species is common in many parts of its range, it is rare in Montana, having been recorded in only a few watersheds of southeastern Montana. Due to this restricted range and the lack of information this species in Montana, it is considered a state species of concern, and is listed as sensitive by the Bureau of Land Management. Studies identifying or addressing specific risk factors for *C. serpentina* in Montana are lacking. However, documented studies and other issues pertaining to their conservation include the following: (1) Roads often have negative impacts on population size and distribution of reptiles, and particularly turtles. High road density has been positively correlated to low population size. This has led to absence of species in road-developed areas and lead to local extirpations. (Rudolph et al. 1998, Jochimsen et al. 2004). *C. serpentina* females often migrate over a kilometer to reach suitable nesting sites (Obbard and Brooks 1981a), which makes them particularly vulnerable to roadkill. During a three-year study in Ontario, Haxton (2000) noted that 30.5% of all turtles observed were killed on roads. (2) Snapping Turtles, particularly in northern populations take over 15 years to attain sexual maturity, have extended reproductive lifespans, high natural adult survival rates, and extended longevity. Egg and hatchling mortality is also often very high attributing to a low annual reproductive potential. These life history traits are typical of long-lived species vulnerable to adult mortality. Minimum levels of natural (e.g., winter kill) or human-caused mortality to mature adults can have serious negative impacts to populations. Due to this low reproductive potential, seriously diminished populations can take years to recover (Brooks et al. 1988, Brooks et al. 1991, Congdon et al. 1994, Congdon et al. 1995). (3) Snapping Turtles are a long-lived bottom dweller that can store environmental contaminants in their body fat, muscle tissue, liver, and eggs making them particularly susceptible to bioaccumulation. They often carry high concentrations of organochlorine contaminants such as polychlorinated biphenyls (PCBs) (Brooks et al. 1988, Harding 1997). (4) Popular for meat and soup dishes, *C. serpentina* are managed as game animals in many states. Due to their low reproductive potential, overharvesting can decimate local populations, which can take years to recover (Brooks et al. 1988). Harvesting of adults is more detrimental to long-term population viability than high levels of egg and hatchling mortality, which normally occur. Human harvesting of *C. serpentina* in Montana is not well documented but may occur where they are abundant. (5) Dams and large reservoirs on rivers (e.g., Fort Peck Dam and Reservoir) may inhibit population continuity to some degree, judging by the apparent lack of viable populations on the Missouri River in Montana (Maxell et al. 2003). However, there is no quantitative data to verify this. Snapping Turtles will travel large distances overland and therefore may be able to bypass some dams.



Species of Concern

Native Species

Global Rank: G5

State Rank: S3

Agency Status

USFWS:

USFS:

BLM:

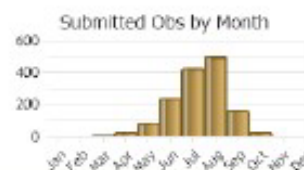


Range: **Native**



of Obs: 1-6 7-12 13-18 19-24 25-40

Observations: 1512



General Description

Ears are black and the longest of any other North American bat in the genus *Myotis*; > 0.84 inches (>21 millimeters). When bent forward, ears extend > 5 millimeters beyond the tip of the nose. Wingspan of 10-12 inches (25-30 centimeters) and weighs 0.2-0.3 inches (5-8 grams). Coat color is dull brown to straw-colored with individual hairs black at the base (Adams 2003).

Habitat

Occupy a wide range of rocky and forested habitats over a broad elevation gradient (Jones et al. 1973). Summer day roosts include abandoned buildings, bridges, hollow trees, stumps, under loose bark, and rock fissures. Hibernacula include caves and abandoned mines. The species has been located hibernating in a mine in riverbreaks habitat in northeastern Montana (Swenson and Shanks 1979).



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Species of Concern
Native Species
Global Rank: G3G4
State Rank: S3B

Agency Status
USFWS:
USFS:
BLM: SENSITIVE
FWP SWAP: SGCN3

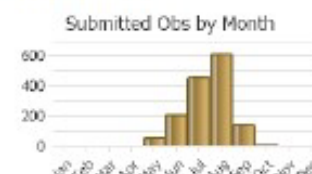


Range Summer Migratory



of Obs: 1-6 7-12 13-17 18-24 25-69

Observations: 1533



General Description

The Hoary Bat is a large lasurine (20 to 35 g) with long pointed wings and heavily-furred interfemoral membrane. Pelage overall is frosted or hoary (mixed brownish and grayish with white-tipped hairs, wrist and shoulder patches whitish), yellowish on the throat, forearm length about 46 to 55 mm. Ears are short and rounded, rimmed in dark brown or black, tragus short and broad. It has large teeth; dental formula I 1/3, C 1/1, P 2/2, M 3/3 (Shump and Shump 1982, Adams 2003).

Diagnostic Characteristics

Hoary Bat is the largest bat species found in Montana, and only one of two with an interfemoral membrane completely furred on the dorsal surface, the other being the Eastern Red Bat. The Hoary Bat has a distinctive appearance along with its large size (35 g in weight, to about 140 mm in total length): dorsal pelage in is a mixture of browns and grays, tinged with white, giving the bat a frosted or hoary appearance (Shump and Shump 1982), unlike the reddish dorsal pelage of the smaller Eastern Red Bat. Definitive Hoary Bat calls are also of lower characteristic frequency and appearance: < 23 kHz lasting up to 20 milliseconds for Hoary versus 38-50 kHz lasting > 10 milliseconds for Eastern Red.

Habitat

During the summer, Hoary Bats occupy forested areas. A female with two naked pups was found in mid-July using a wooden bridge in Stillwater County as a temporary day roost (Hendricks et al. 2005) but no other Montana roosts have been reported. Often captured foraging over water sources embedded within forested terrain, both conifer and hardwood, as well as along riparian corridors. Reported in Montana over a broad elevation range (579 to 2774 m; 1900 to 9100 ft) during August, the highest record from treeline along the Gravelly Range road (Madison County), the lowest from the Yellowstone River near Sidney (Richland County); probably most common throughout summer in Montana at lower elevations.


Species of Concern

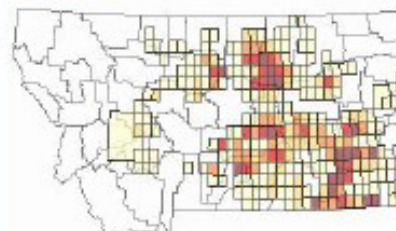
Native Species
Global Rank: G4
State Rank: S3

Agency Status

USFWS:
USFS: SENSITIVE
BLM: SENSITIVE
FWP SWAP: SGCN3

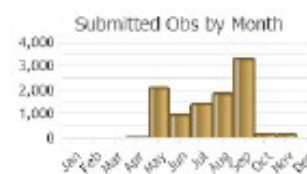


Range: Native



of Obs: 1-19 20-39 40-59 60-108 109-1525

Observations: 10985



General Description

The Black-tailed Prairie Dog is the largest of the prairie dog species, weighing 700 to 1500 grams and measuring 28 to 33 centimeters from nose to tail (Burt and Grossenheider 1976, Hoogland and Foltz 1982). The overall color of the back and upper sides of the body and tail is generally dark cinnamon with buff coloring on the underside (Anderson 1972, Burt and Grossenheider 1976, Hall 1981). The distal third of the tail is black or dark brown (Hall 1981). They molt twice per year, prior to summer and prior to winter. The skull is about 60 centimeters long, with 22 teeth (Burt and Grossenheider 1976).

Diagnostic Characteristics

Black-tailed Prairie Dogs are easily separated from the similar White-tailed Prairie Dogs by the black color of the distal one-third of the tail tip. The Black-tailed Prairie Dog also lacks the distinctive dark face patches of the White-tailed Prairie Dog. Black-tailed Prairie Dogs are also found in more dense colonies than are White-tailed Prairie Dogs. Features of the skull and teeth can also be used to separate the two species of prairie dogs in Montana (Foresman 2012).

Black-tailed Prairie Dogs may also be confused with a number of ground squirrel (*Spermophilus*) species, but are distinguished by their much more robust body conformation and relatively short tail and their habit of living in much denser colonies with more developed burrow systems.

Habitat

Black-tailed Prairie Dog colonies are found on flat, open grasslands and shrub/grasslands with low, relatively sparse vegetation. The most frequently occupied habitat in Montana is dominated by western wheatgrass, blue grama and big sagebrush (Montana Prairie Dog Working Group 2002). Colonies are associated with silty clay loams, sandy clay loams, and loams (Thorp 1949, Bonham and Lerwick 1976, Klatt and Hein 1978, Agnew et al. 1986) and fine to medium textured soils are preferred (Merriam 1902, Thorp 1949, Koford 1958), presumably because burrows and other structures tend to retain their shape and strength better than in coarse, loose soils. Encroachment into sands (e.g., loamy fine sand) occurs if the habitat is needed for colony expansion (Osborn 1942).

Shallow slopes of less than 10% are preferred (Koford 1958, Hillman et al. 1979, Dalsted et al. 1981), presumably in part because such areas drain well and are only slightly prone to flooding. By colonizing areas with low vegetative stature, Black-tailed Prairie Dogs often select areas with past human (as well as animal) disturbance. In Montana, colonies tended to be associated with areas heavily used by cattle, such as water tanks and long-term supplemental feeding sites (Licht and Sanchez 1993, FaunaWest 1998).



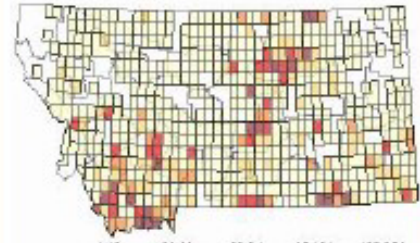
© MTNHP - Bo Creech

Species of Concern
Native Species
Global Rank: G5
State Rank: S3B

Agency Status
USFWS: MBTA
USFS:
BLM: SENSITIVE
FWP SWAP: SGCN3
PIP: 2



Range: Summer | Migratory



Observations: 10985



General Description

The Brewer's Sparrow is a nondescript sparrow of sagebrush habitats. In suitable habitat, the Brewer's Sparrow can be the most abundant species present. Its song, a series of distinctive long and short buzzy trills, can be heard throughout the breeding season (Rotenberry et al. 1999).

For a comprehensive review of the conservation status, habitat use, and ecology of this and other Montana bird species, please see Marks et al. 2016, Birds of Montana.

Phenology

Arrives on breeding grounds by late April. Nests with eggs observed as early as late May. Nestlings observed as early as early June and fledglings by early July (Montana Natural Heritage Program Point Observation Database 2014).

Diagnostic Characteristics

Sexes are similar in appearance. The crown is finely streaked brown; pale gray eyebrow, complete white eye-ring, and a grayish mustache. Underparts dull white, with grayish flanks; breast unstreaked in adult, although sometimes flanks are streaked. Back and rump brown, the latter streaked with black (Rotenberry et al. 1999).

Habitat

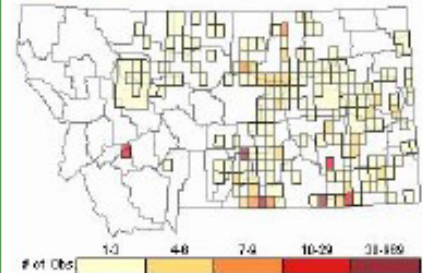
The Brewer's Sparrow typically breeds in shrubsteppe habitats dominated by sagebrush. Densities of Brewer's Sparrow correlated with some aspect of total shrub cover (Rotenberry et al. 1999). In sagebrush areas in central Montana, Brewer's Sparrows nested in sagebrush averaging 16 inches high (Best 1970).



Species of Concern
Native Species
Global Rank: G5
State Rank: S3
Agency Status
USFWS:
USFS: SENSITIVE
BLM: SENSITIVE
FWP SWAP: SGCN3, SGIN



Range Native



Observations: 1798



General Description

The body of the Greater Short-horned Lizard is broad and flattened. The back is spiny, with an especially noticeable single row of scales fringing each side of the body. The spines at the back of the head are about as long as they are wide at the base. The coloration of the back usually blends cryptically with the soil and can vary somewhat from region to region and at single localities. The maximum total length is about 15 centimeters. In males, there is a swelling at the base of the tail, and the tail is proportionally longer than in females. Newborn young have the broad and flattened body shape, and are about 2.0 to 2.5 centimeters snout-vent length and up to 3.8 centimeters by the time of first hibernation.

Diagnostic Characteristics

The broad, flattened body separates this lizard from the other three lizard species regularly documented in Montana, and the range overlaps only with the Common Sagebrush Lizard. The Pygmy Short-horned Lizard has been reported from extreme southwestern Montana, in the Centennial Valley, Beaverhead County (Maxell et al. 2003), but adults of this species are much smaller than Greater Short-horned Lizards, the small horns on the back of the head project almost vertically rather than horizontally, and they lack the wide notch between the horns on the back of the head that gives the head of Greater Short-horned Lizards a "heart-shaped" appearance when viewed from above (St. John 2002).

Habitat

Habitat use in Montana is poorly described, but appears to be similar to other regions. Reports mention individuals on ridge crests between coulees, and in sparse, short grass and sagebrush with sun-baked soil (Mosimann and Rabb 1952, Dood 1980). On the southern exposures of the Pryor Mountains, Carbon County, individuals occur among limestone outcrops in canyon bottoms of sandy soil with an open canopy of limber pine-Utah juniper, and are also present on flats of relatively pebbly or stony soil with sparse grass and sagebrush cover (Paul Hendricks, personal observation).


Species of Concern
Native Species

Global Rank: G5

State Rank: S3B

Agency Status

USFWS: MBTA; BCC11;

BCC17

USFS:

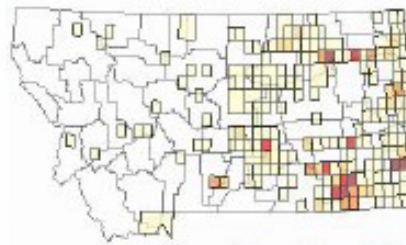
BLM: SENSITIVE

FWP SWAP: SGCN3

PIP: 2

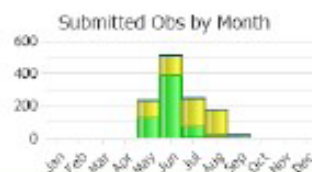


Range: Summer Migratory



of Obs: 1-6 7-12 13-20 21-26 27-126

Observations: 1261



General Description

Red-headed Woodpeckers are medium sized woodpeckers averaging approximately 9.25 inches in length. Adults of both sexes have a bright red color on their entire head, neck and throat. The underparts are white and the back is a blue-black (National Geographic Society 1987). Red-headed Woodpeckers have a strikingly white rump patch and inner wing (secondaries) patches that are clearly visible in flight and while perched (Sibley 2000). Juveniles have an overall brown color to their head, neck and throat. They obtain the red during their first winter molt (National Geographic Society 1987).

The vocalization of the Red-headed Woodpecker is a wheezy "queeah" or "queerp" contact call similar to the Red-bellied Woodpecker (*Melanerpes carolinus*), but weaker overall. They also have a low, harsh "chug" call while in flight, also similar to the Red-bellied Woodpecker (Sibley 2000). Their drum is weak, short and slow.

For a comprehensive review of the conservation status, habitat use, and ecology of this and other Montana bird species, please see Marks et al. 2016, Birds of Montana.

Diagnostic Characteristics

The completely red head (in adults) and the white wing patches (on secondaries) are both diagnostic features separating the Red-headed Woodpecker from any other woodpecker. The Red-bellied Woodpecker is sometimes confused with, and given the same name as, the Red-headed Woodpecker. However, a close look will reveal no red on the throat or the sides of the head on the Red-bellied as well as a lack of white wing patches. The Red-breasted Sapsucker (*Sphyrapicus ruber*) is also superficially similar to the Red-headed Woodpecker. However, their ranges do not overlap and the sapsucker has white patterning on the back, rather than the all black back and white rump of the Red-headed Woodpecker (Smith et al. 2000).

Habitat

With no systematic surveys completed within the state, little is known about Red-headed Woodpecker habitat in Montana. When they have been observed, they are usually found along major rivers having riparian forest associated with them. Another area where they may be found is open savannah country, as long as adequate ground cover, snags and canopy cover can be found. Large burns can also be utilized by the species (Bent 1939, Ehrlich et al. 1988). They nest in holes excavated 2 to 25 meters above ground by both sexes in live trees, dead stubs, utility poles, or fence posts. Sometimes they use existing holes in poles or posts. Individuals typically nest in the same tree or cavity in successive years (Ingold 1991).



Species of Concern

Native Species

Global Rank: G5

State Rank: S2

Agency Status

USFWS:

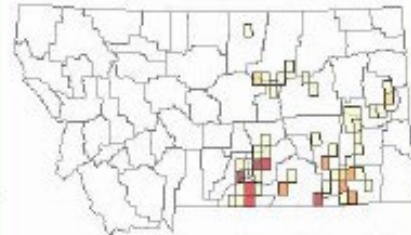
USFS: SENSITIVE

BLM: SENSITIVE

FWP SWAP: SGCN2



Range: Native



of Obs: 1-2 3-4 5-8 9-15

Observations: 156



General Description

The back and sides of the body of the Milksnake are marked with whitish, black, and reddish or orange bands, with the reddish-orange bands bordered by the black; the snout is blackish and sometimes with whitish flecking. The bands often extend across the belly, but sometimes may be incomplete or absent, in which case the belly is whitish. Dorsal scales are smooth (unkeeled). The anal scale is not divided, as are most of the scales on the ventral surface of the tail. The neck is relatively short and thick. Total length of adults in the western Great Plains is usually 39 to 85 centimeters. Hatchlings are similar in appearance to adults, and 16 to 29 centimeters in total length. Eggs are slightly granular and range from 29 to 44 millimeters by 13 to 16 millimeters in length and breadth, depending on locality.

Diagnostic Characteristics

The whitish, black, and reddish to orange banding or rings around the body, an undivided anal scale, and smooth (unkeeled) dorsal scales distinguish the Milksnake from all other snakes native to Montana.

Habitat

Little specific information is available. Milksnakes have been reported in areas of open sagebrush-grassland habitat (Dood 1980) and ponderosa pine savannah with sandy soils (Hendricks 1999), most often in or near areas of rocky outcrops and hillsides or badland scarps, sometimes within city limits.

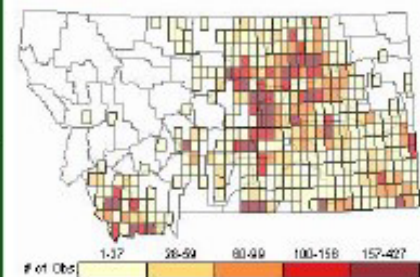


Species of Concern
Native Species
Global Rank: G3G4
State Rank: S2

Agency Status
USFWS:
USFS: SENSITIVE
BLM: SENSITIVE
FWP SWAP: SGCN2
PIP: 1



Range: Year-round



Observations: 17929



General Description

[From Schroeder et al. 1999] North America's largest grouse. Males 1.7-2.9 kg and 65-75 cm long, females 1.0-1.8 kg and 50-60 cm long. Both sexes with relatively long, pointed tails, feathered legs, and mottled gray-brown, buff, and black plumage. Males have a blackish-brown throat patch and an inconspicuous yellow eye comb. Both sexes have blackish bellies which contrast sharply with white under-wing coverts when birds in flight. Females appear to dip from side to side while flying.

For a comprehensive review of the conservation status, habitat use, and ecology of this and other Montana bird species, please see Marks et al. 2016, Birds of Montana.

Phenology

In central Montana, males occupy leks from early March to early June with peaks in late April to early May, females attend leks mid-March to late May with peaks in early to mid-April, copulations early April to late May (Eng 1963; Wallestad 1975b; Jenni and Hartzler 1978). Nesting begins mid-April, first eggs hatch in late May with peak by first half of June (42% of nests in south-central Montana hatch prior to mid-June), hatching extends to late June and early July (Eng 1963; Wallestad 1975b; Eustace 2002). In southeastern Alberta, peak hen attendance at leks early April, incubation at first nests initiated late April to early May (mean = 3 May), second nest attempts late May to mid-June (Aldridge and Brigham 2001). Birds in north-central Montana move to wintering grounds in November, remain there until mid-March and early April (Tack et al. 2011; Smith 2013); in southwest Montana, move to wintering areas sometime in September/October, return to leks in late February (Roscoe 2002).

Diagnostic Characteristics

Female Ring-necked Pheasant (*Phasianus colchicus*) can possibly be confused with female or young Greater Sage-Grouse. Female pheasants have a brown belly and bare legs, female Greater Sage-Grouse have a black belly patch and feathered legs. Differ from Sharp-tailed Grouse (*Tympanuchus phasianellus*) in having a black belly and lacking white outer tail feathers. Hybrid Greater Sage-Grouse X Sharp-tailed Grouse infrequent across range but reported in central Montana, southeastern Alberta, western North Dakota (Eng 1971; Kohn and Kobriger 1986; Aldridge et al. 2001).

Habitat

Closely associated with sagebrush habitat types. Adapted to a broad mosaic throughout range, including relatively tall sagebrush (*Artemisia tridentata*, *A. tripartita*, *A. cana*), relatively low sagebrush (*A. arbuscula*, *A. nova*), forb-rich mosaics with low and tall sagebrush, riparian meadows, steppe, scrub willow, sagebrush savanna (with juniper, ponderosa pine, aspen). Use altered habitats, such as alfalfa, wheat, crested wheatgrass, but degree depends on association with native habitat. Leks in sites with reduced herbaceous and shrub cover surrounded by potential nesting habitat, often on broad ridgetops, grassy swales, disturbed sites, dry lake beds,

cultivated fields. Nesting habitat usually in thick shrub cover dominated by sagebrush, sometimes grass or other shrub species. Brood habitat a mosaic of sagebrush, riparian meadow, greasewood, alfalfa, grain fields, rich in forbs and insects. Winter range similar to breeding range and dominated by sagebrush cover types (Schroeder et al. 1999; Crawford et al. 2004). Annual variation in habitat use in Montana similar to most surrounding areas (Dusek et al. 2002); sagebrush removal results in decline or loss of sage-grouse (Martin 1970; Wallestad 1975a; Swenson et al. 1987), as does habitat fragmentation/disturbance of sagebrush related to coal-bed natural gas energy development (Walker et al. 2007).

Leks in Montana often in clearings surrounded by sagebrush, including natural clearings, old burns, clearings around abandoned homesteads. When not on lek, males in central Montana feed and loaf predominantly where sagebrush cover is 20-50% (mean = 32%), avoid sagebrush cover < 10% (Wallestad and Schladweiler 1974; Wallestad 1975b; Dusek et al. 2002). In Beaverhead County, some males moved from leks to irrigated hayfields/wetlands with adjacent sagebrush patches, others to a variety of sagebrush habitats (Wyoming big sage, mountain big sage, three-tip sage), eventually to high elevation dense sagebrush (25-35% canopy cover) surrounded by forest (Roscoe 2002).

Females establish nests where sagebrush cover exceeds 15%, height of sagebrush averages 40.4 cm (Wallestad and Pyrah 1974). Similar results for Powder River Basin (including southeastern Montana), with average sagebrush canopy cover of 19.1% at nests; sites much more likely to be used for nesting when 75% of area within 100 m (patches of sage at least 200 m diameter) was high-density sagebrush (> 40% canopy cover) (Doherty et al. 2010); 99% of 258 nests in Phillips County established under shrubs, most of these (92%) under sagebrush (Moynahan et al. 2007). In Beaverhead County, hens nest in some cases near irrigated hayfields/wet meadows with adjacent sagebrush patches (Roscoe 2002). In southeastern Alberta, 90% of 29 nests placed under silver sage in locations where sage was taller and denser than at random: mean sage canopy cover = 32%, mean sagebrush height = 41.3 cm (Aldridge and Brigham 2002).

Brood habitat in central Montana dominated by relatively open stands of sagebrush. In one study (Peterson 1970), 100% of brood occurrences in sagebrush in June, declining to 50% by September (with corresponding increase in use of grass and greasewood); average cover of sagebrush on brood sites increased from 6% in June to 12% in August, with average height of sagebrush ranging from 40.6 cm in June to 50.8 cm in September. In a second study, (Wallestad 1971, 1975b) sagebrush cover at brood sites averaged 14% in June, 10% in August, 21% in September, with overall forb cover in two years of 17-27% and grass cover 47-51%; mean shrub heights were 17.8 cm in June, 25.4 cm in August. In Beaverhead County, Montana brood canopy cover during June-September averaged 24% shrubs (mostly sagebrush), 35% grass, 22% forbs, with average height of sagebrush 22.9-38.1 cm at brood locations (Martin 1970). In southeastern Alberta, brood habitat was in silver sagebrush denser and taller than at random: 20.9% mean sagebrush canopy cover, 32.0 cm mean sagebrush height (Aldridge and Brigham 2002).

Winter habitat in central Montana generally relatively tall, dense, and extensive sagebrush stands with 20% or greater mean canopy cover (range= 6.4-53.9%) for both feeding/loafing and roosting sites (about 78-82% of all observations fall in this cover category); height of sagebrush for feeding/loafing and roosting sites averages about 25.4 cm (Eng and Schladweiler 1972; Wallestad 1975b). More open stands used as weather moderates prior to lek formation. In Powder River Basin (including Bighorn, Rosebud, Powder River counties, Montana), use areas where sagebrush and grass >95% of total vegetation cover on landscape, with sagebrush cover averaging 75% (Doherty et al. 2008). Tall dense stands of sagebrush the primary winter habitat in Beaverhead County (Roscoe 2002).



© Tyler Pockette

Species of Concern
Native Species

Global Rank: G5

State Rank: S3B

Agency Status

USFWS: MBTA; BCC10;
BCC11; BCC17

USFS:

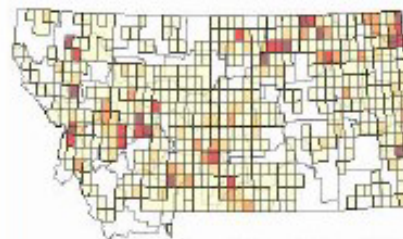
BLM:

FWP SWAP: SGCN3

PIP: 3

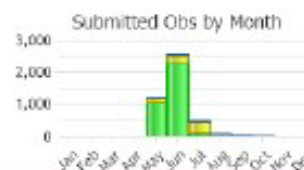


Range: Summer Migratory



of Obs: 1-11 12-22 23-38 39-51 52-139

Observations: 4398



General Description

The Bobolink is approximately 18 centimeters long with a stout, relatively short, pointed bill and sharply pointed tail feathers. The breeding male is black below, with a buff to whitish hind-neck, white scapulars, and white rump; early in spring the male has pale feather edgings. The breeding female is buffy with dark streaks on the back, rump, sides, and head. The juvenile resembles the breeding female but lacks streaks below. Fall adults and immatures resemble breeding female but are darker above and richer buff below. (Renfrew et al. 2015)

For a comprehensive review of the conservation status, habitat use, and ecology of this and other Montana bird species, please see Marks et al. 2016, Birds of Montana.

Diagnostic Characteristics

Breeding males are unique among North American passerines in being entirely black underneath and lighter above (Renfrew et al. 2015).

Habitat

Nests built in tall grass and mixed-grass prairies. Prefers "old" hay fields with high grass-to-legume ratios.



Special Status Species
Native Species
Global Rank: **G2G3**
State Rank: **SNR**

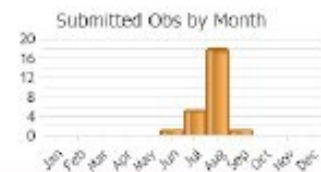
Agency Status
USFWS:
USFS:
BLM:



Range: **Native**



Observations: 25



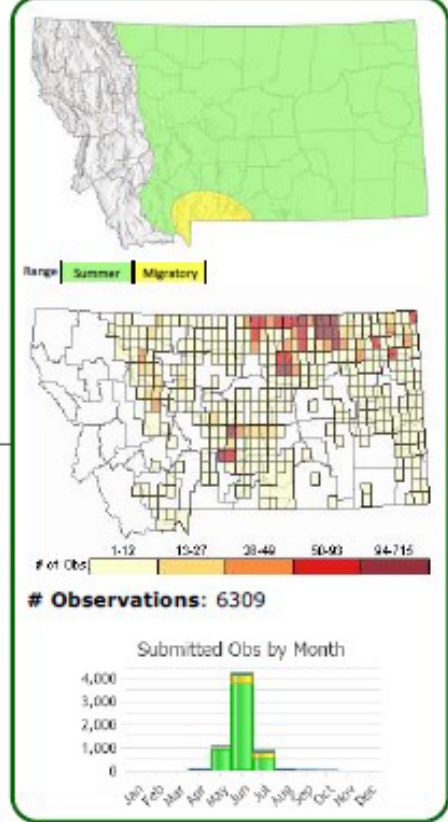
General Description

Information on this species is incomplete.



Species of Concern
Native Species
Global Rank: G3G4
State Rank: S3B

Agency Status
USFWS: MBTA; BCC11;
BCC17
USFS:
BLM: SENSITIVE
FWP SWAP: SGCN3
PIP: 1



General Description

The adult Sprague's Pipit is a pale, slender, sparrow-sized bird with white outer tail feathers, a thin bill, pale legs, and a heavily streaked back. Adults reach a length of 6.5 inches (16.5 cm), with a wingspan of 10 inches (25.4 cm), and a weight of 23.7 to 24.0 grams. The sexes are alike. The sides of the head and indistinct buffy eye-rings are pale. The lores contrast with dark brown eyes and the ear coverts are plain brownish-buff, usually with a slight reddish tinge. The crown, sides and rear of neck are buffy with sharply defined black streaks. The back is light sandy-brown with broad black streaks, with a paler more prominent buffy stripe down each side. The wings, 7.7 to 8.5 cm long, have blackish-brown feathers with whitish to buffy-brown edging, and two whitish wing bars. The rump and upper tail coverts, paler than the back, are sandy-brown with narrow black streaks. The blackish-brown feathers of the tail have buffy edging and the outer two pairs of feathers are white. The breast is a bright dark buff with a necklace of narrow black streaks. The flanks are brownish-buff and without streaks. The legs of the adults are pale brown, flesh or yellowish-brown, while they are pinkish in the juveniles (Godfrey 1966, Maher 1979, King 1981, Robbins and Dale 1999).

On the ground, the bird is extremely secretive and flies away in a long, undulating flight when approached. It walks instead of hops and usually only lands on the ground. The bird is most easily detected by its unique flight song given high overhead (as high as 75 meters); a high-pitched, thin "jingling" sound that can continue for as long as an hour (Peterson 2002, King 1981). Johnsgard (1992) notes that the species' spectacular circular song-flight display around its territory, during which its white outer tail feathers are conspicuously spread, compensates for its particularly inconspicuous plumage.

For a comprehensive review of the conservation status, habitat use, and ecology of this and other Montana bird species, please see Marks et al. 2016, Birds of Montana.

Diagnostic Characteristics

The buffy-brown back with blackish streaking, white wing bars, dark streaked crown, and pale legs distinguish this pipit from the American Pipit, the other species with whom its plumage is most similar (Robbins and Dale 1999, Sibley 2000). Additional characteristics identifying Sprague's Pipit include pale buffy to whitish ear coverts, extensive white on the outer tail feathers, a pale lower mandible, a darker upper mandible, and a diagnostic single-syllable, squeaky, quick call (Robbins and Dale 1999, Sibley 2000). While the Sprague's Pipit is a species of the prairie, the American Pipit typically favors wetter areas and perches more conspicuously (on fences, telephone wires, and treetops) than the Sprague's Pipit (Robbins and Dale 1999).

Habitat

An endemic grassland bird, the Sprague's Pipit prefers native, medium to intermediate height prairie (Casey 2000) and in a short grass prairie landscape, can often be found in areas with taller grasses (Samson and Knopf 1996). The Sprague's Pipit is significantly more abundant in native prairie than in exotic vegetation (Dechant et

al. 2001). Dechant (2001) also notes that the species has been shown to be area sensitive, requiring relatively large areas of appropriate habitat; the minimum area requirement in a Saskatchewan study was 190 hectares (470 acres). This pipit is also known to utilize and breed in alkaline meadows and around the edges of alkaline lakes (Johnsgard 1992).



Bat Roost (Non-Cave)

Bat Roost (Non-Cave)

[View in Field Guide](#)

Important Animal Habitat

Native Species

Global Rank: **GNR**

State Rank: **SNR**

Observations: 1624

No photos are currently available

Agency Status

USFWS:

USFS:

BLM:

General Description

Information on this species is incomplete.

XIII. Appendix B – Eco Assets Management LLC Deed

Return to:
David Patrick, Jr.
Yellowstone Mitigation, LLC
PO Box 58
Helena, MT 59624

Book 60MX Page 869 - 874

0113674 Fee: \$42.00

ROSEBUD COUNTY Recorded 9/22/2014 At 3:19 PM
Geraldine Custer, Ck & Rcdr By *David Patrick, Jr.*
Return to: YELLOWSTONE MITIGATION LLC PO BOX 58
HELENA, MT 59624

COVENANT OF DEDICATION

PAUL D. RINGLING, on behalf of YELLOWSTONE MITIGATION, LLC, whose address is PO Box 58, Helena, Montana 59624, (hereinafter referred to as the BANK SPONSOR) and WILLIAM F. SCHWARZKOPF, whose address is PO Box 482, Forsyth, Montana 59327, and BRUCE C. WAAGE, whose address is 3105 Arvin Road, Billings, Montana 59102, (hereinafter referred to as the LAND OWNER) now stipulate to the following statements of fact, and further agree to restrict the use and title of the realty described in Attachment 1 to this document (hereinafter referred to as the "Land") in accordance with the terms and conditions set forth herein.

STIPULATIONS OF FACT

1. That BANK SPONSOR is the Sponsor of a Mitigation Bank with Department of the Army Action ID No. NWO-2012-01040-MTB; and that the U.S. Army Corps of Engineers has regulatory jurisdiction over the establishment and operation of said Mitigation Bank pursuant to Section 404 of the Clean Water Act (33 USC 1344); and that said Mitigation Bank Agreement is made a part of and incorporated herein by reference.
2. That LAND OWNER is the owner in fee of the real estate described in Attachment 1.
3. That BANK SPONSOR and the Omaha District of the U.S. Army Corps of Engineers have reached an agreement whereby BANK SPONSOR will be permitted to provide mitigation credits for the adverse environmental effects resulting from impacted wetlands and streams within the Geographic Service Area defined in the Mitigation Bank Agreement dated JUNE 25, 2014 and that LAND OWNER agrees to dedicate the realty described in Attachment 1 for perpetual use by BANK SPONSOR as a conservancy area in accordance with the terms and conditions of this document and the above-mentioned Mitigation Bank Agreement.
4. That the above-mentioned dedication shall consist of the execution of this document by all parties necessary to restrict the use and title of the land; and that this document shall be recorded in the Office of the Register of Deeds for **Rosebud County, Montana**.
5. That upon receipt of a certified copy of this document, as recorded in the Office of the County Register of Deeds for **Rosebud County, Montana**, the District Engineer of the Omaha District of the U.S. Army Corps of Engineers will permit BANK SPONSOR to proceed with credit sales; and that said credit sales will be permitted in consideration for the execution of this Covenant.
6. That the terms and conditions of this Covenant of Dedication shall, as of the date of execution of this document, bind LAND OWNER to the extent of his legal and/or equitable interest in the land; and that this Covenant shall run with the land and be binding on LAND OWNER and its successors and assigns forever.
7. That the terms and conditions of this Covenant shall be both implicitly and explicitly included in any transfer, conveyance, or encumbrance of the Land or any part thereof, and that any instrument of transfer, conveyance, or encumbrance affecting all or any part of the Land shall set forth the terms and conditions of this document either by reference to this document or set forth in full text.

DEED AND USE RESTRICTIONS

LAND OWNER hereby warrants that they are the owners in fee of the realty described in Attachment 1; and that the Land is hereby dedicated in perpetuity for use as a conservancy area.

LAND OWNER hereby agrees to restrict the use and title of the Land as follows:

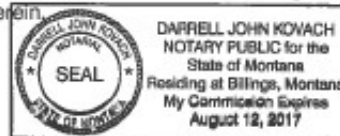
1. There shall be no construction or placement of structures or mobile homes, fences, signs, billboards or other advertising material, or other structures, whether temporary or permanent, on the land **except as permitted in the Mitigation Bank Agreement and/or as approved by the Corps of Engineers.**
2. There shall be no removal, destruction, or cutting of trees or plants; spraying with biocides, insecticides, or pesticides; grazing of animals, farming, tilling of soil, or any other agricultural activity **except as permitted in the Mitigation Bank Agreement and/or as approved by the Corps of Engineers.**
3. There shall be no operation of all-terrain vehicles or any other type of motorized vehicle on the land **except as permitted in the Mitigation Bank Agreement and/or as approved by the Corps of Engineers.**
4. This Covenant of Dedication may be changed, modified or revoked only upon written approval of the District Engineer of the Omaha District of the U.S. Army Corps of Engineers. To be effective, such approval must be witnessed, authenticated, and recorded pursuant to the law of the State of Montana. This Covenant needs to be reviewed by the Corps of Engineers prior to signature to assure compliance with the Mitigation Bank Agreement.
5. There shall be no building of roads or paths for vehicular or pedestrian travel or any change in the topography of the land **except as permitted in the Mitigation Bank Agreement and/or as approved by the Corps of Engineers.**
6. There shall be no filling, draining, excavating, dredging, mining, drilling or removal of topsoil, loam, peat, sand, gravel, rock, minerals or other materials.

COE representative's initials CJ

Date 21 AUG 2014

7. This Covenant is made in perpetuity such that the present owner and its heirs and assigns forever shall be bound by the terms and conditions set forth herein

By: William F. Schwarzkoph
William F. Schwarzkoph, Land Owner

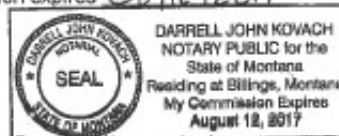


Executed before me this 22nd day of September, 2014 by William F. Schwarzkoph who is personally known to me.

Darrell John Kovach
Notary Public

My commission expires 08/12/2017

By: Bruce C. Waage
Bruce C. Waage, Land Owner

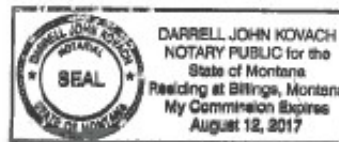


Executed before me this 22nd day of September, 2014 by Bruce C. Waage who is personally known to me.

Darrell John Kovach
Notary Public

My commission expires 08/12/2017

By: Paul D. Ringling
Paul D. Ringling
On behalf of Yellowstone Mitigation, LLC,
Bank Sponsor



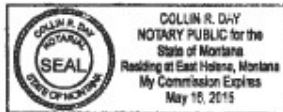
August 18, 2014

Page | 2

Executed before me this 19 day of September 2014 by Paul D. Ringling, on behalf of Yellowstone Mitigation, LLC, who is personally known to me.


Notary Public

My commission expires May 16, 2015



ATTACHMENT 1

Two parcels of real estate, referred to as the Schwarzkoph-Waage Ranch Area 1, containing 75 acres, more or less, and the Schwarzkoph-Waage Ranch Area 2, containing 208 acres, more or less, both located in Section 7, Township 6 North, Range 42 East, Rosebud County, Montana.

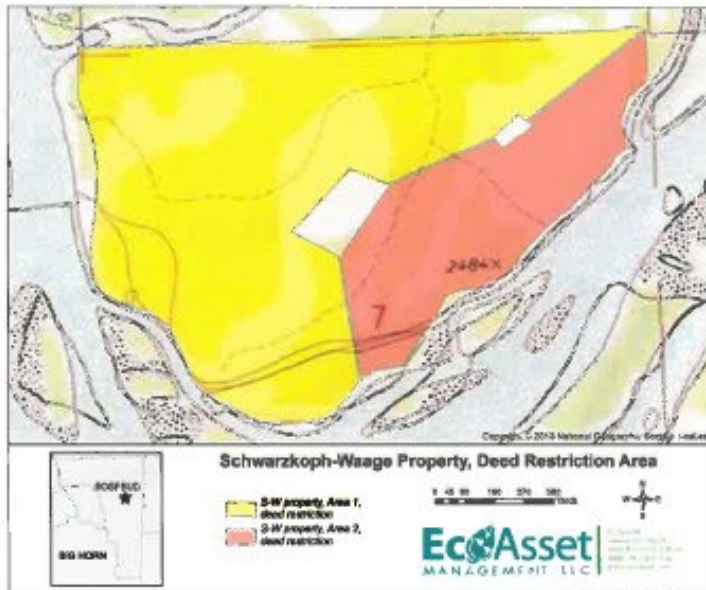
Area 1 is more fully described as a closed polygon defined by a line passing through the following ordered points, starting at a point labeled as Coordinate #0, X-Coordinate 830310.18, Y-Coordinate 231735.74, shown in the Area 1 table below and identified on the Map of Deed Restriction Area on Page 5 of this document, said starting point #0 being located on the Northeast Corner of Section 7, Township 6 North, Range 42 East, Rosebud County, Montana, then continuing in a Southwesterly direction defined by a line passing through the Area 1 ordered points listed below and returning to the point of beginning. All point coordinates are Montana State Plane Meters, Single Zone, relative to NAD83.

Area 2 is more fully described as a closed polygon defined by a line passing through the following ordered points, starting at a point labeled as Coordinate #32, X-Coordinate 829523.72, Y-Coordinate 230765.95, shown in the Area 2 table below and identified on the Map of Deed Restriction Area on Page 5 of this document, said starting point #32 being located in the SW $\frac{1}{4}$, of the NE $\frac{1}{4}$, of the SE $\frac{1}{4}$, of the NE $\frac{1}{4}$, of the NE $\frac{1}{4}$, of the SW $\frac{1}{4}$ of Section 7, Township 6 North, Range 42 East, Rosebud County, Montana, then continuing in a North-Northwesterly direction defined by a line passing through the Area 2 ordered points listed below and returning to the point of beginning. All point coordinates are Montana State Plane Meters, Single Zone, relative to NAD83.

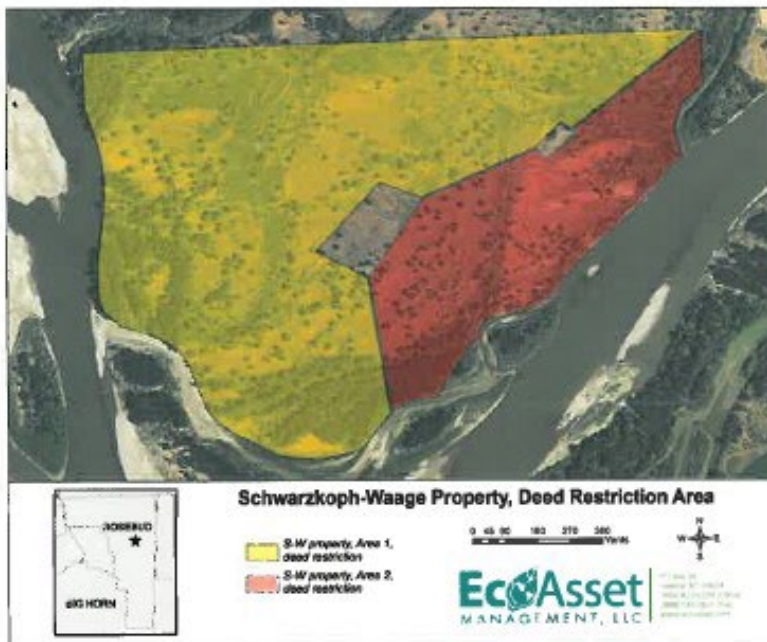
Area 1		
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1	830144.44	231607.13
2	829981.90	231481.00
3	829957.74	231498.92
4	829891.55	231433.81
5	829597.74	231306.84
6	829494.02	231345.73
7	829331.12	231169.52
8	829460.45	231103.82
9	829518.59	230759.67
10	829444.23	230666.47
11	829343.23	230640.94
12	829290.90	230642.67
13	829239.09	230650.53
14	829129.78	230701.41
15	829084.60	230730.67
16	829052.97	230763.62
17	829006.75	230878.79
18	828984.43	230916.72
19	828928.09	230952.60
20	828830.91	230981.72
21	828786.62	231021.37
22	828777.93	231043.60
23	828774.63	231068.21
24	828773.87	231142.40
25	828779.80	231189.39
26	828788.26	231262.20
27	828791.23	231344.33
28	828782.76	231410.79
29	828769.64	231458.21
30	828742.11	231536.91
31	828736.80	231676.92

Area 2		
Number	X-coordinate	Y-coordinate
32	829523.72	230765.95
33	829467.07	231101.29
34	829603.77	231302.78
35	829895.66	231428.90
36	829918.11	231405.86
37	830001.94	231466.13
38	829987.03	231477.19
39	830315.60	231732.16
40	830321.00	231592.40
41	830268.51	231547.24
42	830244.31	231475.29
43	830271.08	231407.81
44	830232.83	231384.45
45	830216.32	231352.70
46	830159.04	231293.61
47	830106.46	231238.81
48	830048.91	231192.21
49	829991.83	231131.81
50	829967.01	231105.97
51	829952.35	231071.85
52	829926.64	231052.34
53	829894.48	231031.69
54	829856.91	231016.58
55	829802.84	231011.88
56	829758.72	230992.67
57	829735.03	230940.80
58	829683.48	230872.67
59	829640.84	230801.83
60	829569.14	230788.73

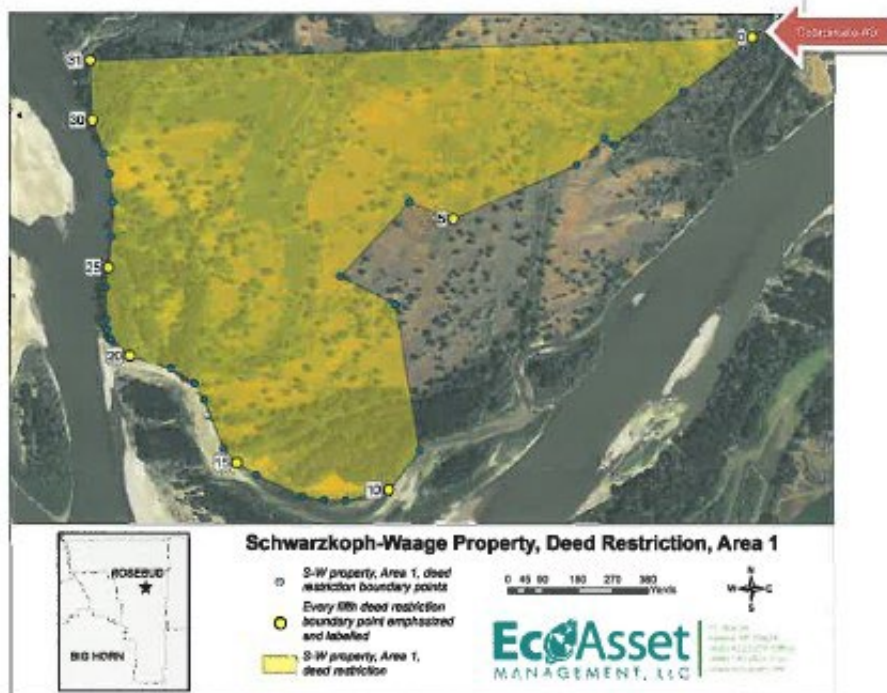
MAP OF DEED RESTRICTION AREAS 1 and 2



MITIGATION BANK LOCATION



AREA 1



AREA 2

