

# SECTION I. RECOMMENDATIONS FOR THE SUBDIVISION APPLICATION & REVIEW PROCESS

This section offers guidance on how and when FWP field biologists, or other professionally trained biologists, can most effectively and efficiently participate in the process of subdivision site selection, project design, and subdivision application review. The recommendations are also addressed to local governments and subdividers. Included with these recommendations are several suggested subdivision planning tools that, if utilized by local governments and/or subdividers, may improve their ability to identify, assess, avoid, and reasonably minimize the potentially significant adverse impacts of subdivision development on fish and wildlife.

## A. Early Consultation

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### ❖ Recommendation #1

- **Subdividers:** Consult with local FWP field biologists at the earliest stage of project planning. Other professionally trained biologists, of course, may also be consulted. The ideal time to consult with biologists is *before* selecting a site for subdivision development. The next best time for early consultation with biologists is during the pre-application process.
- **FWP field biologists:** Support the site assessment and information-gathering efforts of subdividers and/or their representatives at these early project planning stages.<sup>2</sup>

**Rationale for Recommendation #1.** If consulted before or during the pre-application process, FWP and other professionally trained fisheries and wildlife biologists can inform the subdivider of key habitat issues that may be associated with proposed subdivision development at a particular location. The sooner a subdivider gains such information, the more effectively he or she can consider fish and wildlife resources in the course of subdivision site selection and project design. A modest amount of time invested by the FWP field biologist at this early stage of project planning may save everyone—FWP, the subdivider, the subdivision administrator, and the local governing body—substantial time and money later in the subdivision process.

### ❖ Recommendation #2

- **Local governments and subdividers:** Use the Contact Information and Web Links (see Appendix A), to access various public domain sources of fish and wildlife information, including FWP’s Crucial Areas Planning System (CAPS).
- **Local governments and subdividers:** Use the *Fish & Wildlife Information Checklist* (see Appendix B.1) as a subdivision planning tool.

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<sup>2</sup> Some FWP regional offices have found it very helpful and efficient to designate an in-house “point person” for coordinating early subdivision planning comments and subdivision application reviews. Such a person can assist FWP field biologists and managers in compiling and issuing FWP comments in a timely manner.

- **Subdividers:** Bring a completed *Checklist* to the pre-application meeting with the subdivision administrator.
- **FWP field biologists:** Support efforts by subdividers and/or their representatives to complete the *Checklist* accurately; however, it is the subdivider's job to compile information for the *Checklist* (not FWP's).

**Rationale for Recommendation #2.** Both appendices can assist subdividers in the early stages of project planning and design. If subdividers tap some of the publicly available sources for biological information in the process of completing the *Checklist*, they will gain knowledge helpful to their early decisions about site selection and project design. A visit to FWP from a subdivider to review and discuss the *Checklist* will enable our local field biologists to help the subdivider focus his or her attention on any key habitat features and issues. If the subdivider brings a completed *Checklist* to the pre-application meeting, the subdivision administrator will be better able to discuss the subdivision application provisions that may pertain to the project. The subdivision administrator may also find the Contact Information and Web Links appendix useful in the review of subdivision applications.

## B. Subdivision Process

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### ❖ Recommendation #3

- **Local governments:** Consider making the *Fish & Wildlife Information Checklist*, or a modified version of it, a required element of the subdivision application.

### ❖ Recommendation #4

- **Local governments and subdividers:** Use the *Fish & Wildlife Impact Assessment (FWIA)* (see Appendix B.2) as a tool for addressing the “wildlife and wildlife habitat” portion of the local Environmental Assessment (EA) requirement.
- **Local governments and subdividers:** Use the *Summary of Probable Impacts (SPI) Guidance* (see Appendix B.3) as a tool for addressing the “wildlife and wildlife habitat” portion of the local SPI requirement.
- **FWP field biologists:** Respond to subdivider and/or subdivision administrator inquiries related to the FWIA or the SPI; however, it is the subdivider's job to complete the FWIA or SPI (not FWP's).

**Rationale for Recommendations #3 and #4.** The *Fish & Wildlife Information Checklist*, *Fish & Wildlife Impact Assessment (FWIA)*, and *Summary of Probable Impacts (SPI) Guidance* are all planning tools that can help a subdivider (a) identify the types of species and habitats found on and in the vicinity of a proposed subdivision; (b) recognize which design standards may suit the project; (c) more accurately and thoroughly consider the potential effects of the project on fish and wildlife resources; and (d) submit a complete and sufficient application to allow the local government to undertake its subdivision review. These tools offer a means by which

FWP can more efficiently provide pertinent information to subdividers at the important stages of project design, alternatives analysis, and impact assessment. In addition, these tools can assist the subdivision administrator, planning board, governing body, and review agencies such as FWP in evaluating proposed subdivisions.

#### ❖ Recommendation #5

- **Local governments: Consider including in local subdivision regulations a set of science-based development design standards for conserving important fish and wildlife resources.**
- **FWP field biologists: Work with local governments who are interested in doing this.**

**Rationale for Recommendation #5.** Few local subdivision regulations in Montana contain specific guidance on how to design a subdivision to avoid or reasonably minimize adverse impacts on important fish and wildlife resources. This lack of standards makes it difficult for a subdivider or review agency like FWP to know the local government's expectations, and it presents challenges to the local government wanting to make subdivision decisions in a consistent fashion. An adopted set of standards designed to help conserve key habitat types and species can help local subdivision regulations provide clearer guidance to everyone involved in the subdivision process. When such guidance is available, subdividers likely enjoy a more predictable decision-making environment. They know what standards their proposals must meet sooner in their project planning. Such knowledge leads to fewer surprises later in the subdivision process. For FWP field biologists, the inclusion of standards in local subdivision regulations simplifies their subdivision review role, because they know that subdivision applications are being designed from the outset with fish and wildlife resources in mind.

#### ❖ Recommendation #6

- **Local governments who choose to adopt subdivision design standards intended to conserve fish and wildlife resources: Also consider establishing an efficient process whereby subdividers have the option to propose an alternative to the adopted standards. See Appendix B.4 for a suggested *Alternative Subdivision Design (ASD)* process.**
- **FWP field biologists: Wherever the ASD option is offered, consider closely the site-specific conditions surrounding a particular project and use your expert opinion in suggesting or commenting on alternative strategies for addressing fish and wildlife concerns.**

**Rationale for Recommendation #6.** There may be additional ways to meet the objectives of adopted development design standards. The recommended *Alternative Subdivision Design (ASD)* process offers the subdivider moderate flexibility and creative license in subdivision design, without the burden of a variance procedure. Where such flexibility is provided, FWP field biologists feel freer to suggest or support alternative solutions to specific project siting or project design issues. A moderately flexible subdivision design process also facilitates identification of additional strategies for achieving developments that are compatible with fish and wildlife.