

Appendix B

Subdivision Planning Tools

Preface

These recommended tools can help (1) subdividers locate and design their projects to avoid or reasonably minimize the negative impacts of development on “wildlife and wildlife habitat”; (2) subdivision administrators and local officials evaluate proposed subdivisions for potentially significant adverse impacts on “wildlife and wildlife habitat”; (3) give FWP field biologists an opportunity to offer pertinent information and recommendations in a focused, efficient manner; and (4) all subdivision process participants ensure that fish and wildlife resources are adequately and effectively considered.

There are four planning tools offered in this appendix:

1. *Fish & Wildlife Information Checklist*
2. *Fish & Wildlife Impact Assessment*
3. *Summary of Probable Impacts Guidance*
4. *Alternative Subdivision Design*

1. Fish & Wildlife Information Checklist

Purpose and Use

This form is intended to help the subdivision applicant identify important fish and wildlife species and their habitats on or near the property of interest. FWP encourages the subdivider to complete the form at the earliest stage of project planning, before making any site location and design decisions. Consultation with local FWP biologists is strongly advised at this early stage. Other professionally trained biologists may, of course, also be consulted. FWP biologists are encouraged to review the completed *Checklist* for accuracy. Subdividers should not expect FWP to complete the form for them.

The local government may wish to utilize this form in its subdivision process. The form can be modified to reflect locally important fish and wildlife resources.

Additional sheets may be attached as necessary to provide more complete information.

Owner of Record: _____

Legal Description of Project Location: _____

Signature and Date of Owner or Owner Representative: _____

Comments: _____

Commenter Signature & Date: _____

Habitat Factors	Yes	No	Maybe	If Yes or Maybe, Describe Habitat	Identify Source(s) of Information
Project is within 300 feet of a water body and/or its associated riparian area.					
Project is in one or more big game winter ranges.					
Project could impact FWP's ability to use public hunting as a wildlife management tool on the site and/or within a one-mile radius.					

Habitat Factors	Yes	No	Maybe	If Yes or Maybe, Describe Habitat	Identify Source(s) of Information
Project is in an area with a high or potentially high level of human/bear conflict (black or grizzly bear).					
Project is in one or more native grassland or native shrub habitat patches (patch size > 25 acres).					
Project is within 500 feet of Common Loon nesting site.					

Habitat Factors	Yes	No	Maybe	If Yes or Maybe, Describe Habitat	Identify Source(s) of Information
Project is within 800 feet of Great Blue Heron colonial nesting site.					
Project is within 1,000 feet of Trumpeter Swan nesting or over-wintering site.					
Project is within 1,000 feet of Long-billed Curlew nesting site.					
Project is within 1,000 feet of Burrowing Owl nesting site.					

Habitat Factors	Yes	No	Maybe	If Yes or Maybe, Describe Habitat	Identify Source(s) of Information
Project is within ½ mile of Bald Eagle nesting site.					
Project is within ½ mile of Golden Eagle nesting site.					
Project is within ½ mile of Ferruginous Hawk nesting site.					
Project is within ½ mile of Peregrine Falcon nesting site.					
Project is within 5 miles of Greater Sage-Grouse lek.					

Habitat Factors	Yes	No	Maybe	If Yes or Maybe, Describe Habitat	Identify Source(s) of Information
Project is within 2 miles of Sharp-tailed Grouse lek.					
Project is within the range of other Species of Concern.					
Project is in other important habitat (e.g., upland game bird habitat, or agricultural lands that are seasonally used by migratory waterfowl).					

2. Fish & Wildlife Impact Assessment

Purpose and Use

A *Fish & Wildlife Impact Assessment* (FWIA) is a technical report that identifies the fish and wildlife species and habitats found on and in the vicinity of the proposed subdivision site, evaluates the potential effects of one or more subdivision development designs on these natural resources, and identifies steps that the subdivider can take to reasonably minimize potentially significant adverse impacts. Subdivision applications that are locally required to include an Environmental Assessment (EA) are recommended to include a FWIA as part of the EA. Consultation with local FWP biologists or other biologists may be helpful at the EA stage of project design. FWP biologists are encouraged to review the completed FWIA for accuracy. However, subdividers should not expect FWP to complete the FWIA for them.

Recommended Elements

FWP recommends that a FWIA include the following elements:

1. Be prepared by one or more professionally trained biologists.
2. Identify the following, and map the information where appropriate:
 - a. The project planning area, including the proposed subdivision site *and* a one-half-mile radius around it.
 - b. Existing land uses in the project planning area.
 - c. The species of fish and wildlife, including Species of Concern, that use all or part of the project planning area on a year-round, seasonal, or periodic basis.
 - d. Existing vegetation types, aquatic habitats, and wildlife habitats in the project planning area (e.g., water bodies and their associated riparian habitat, big game winter range, native grassland or native shrub habitats, and areas used by black or grizzly bears).
 - e. Whether, and to what extent, the project planning area functions as part of a larger habitat that supports wildlife throughout the year.
 - f. Areas that currently provide an opportunity for hunting.
 - g. Any applicable standards (e.g., fish and wildlife-related design standards included in local subdivision regulation requirements).
 - h. *Fish & Wildlife Information Checklist*.
3. Where fish and wildlife resources on all or part of the project planning area are unknown, include results of a resource inventory conducted by a professionally trained biologist.

Time inventories of bird Species of Concern to coincide with the nesting and breeding seasons of species known or predicted to occur in the project planning area.¹

4. Assess the following, taking any applicable fish and wildlife standards into account: Whether, and to what extent, the proposed development design(s) under consideration may:
 - a. Contribute to habitat loss, habitat fragmentation, linkage disturbance, or other degradation in the quality of habitat.
 - b. Contribute to the population decline or displacement of one or more individual fish or wildlife species.
 - c. Impact the opportunity to hunt (e.g., through displacement of big game, creation of conflicts between adjoining land uses, or loss of hunting opportunities on the proposed subdivision site).
 - d. Create or increase the potential for human/bear conflicts within the proposed subdivision.
5. Address whether, and to what extent, the proposed development's potentially significant adverse impacts on "wildlife and wildlife habitat" may be mitigated using appropriate design techniques.

The FWIA may propose additional measures for avoiding, reasonably minimizing, or mitigating the potentially significant adverse impacts of the subdivision on "wildlife and wildlife habitat," both during construction and after full build-out (e.g., building site relocations, housing density reductions).

Note: If a local government chooses to incorporate a FWIA requirement into its EA procedures, it may also wish to specify the geographic areas or other circumstances that automatically exempt a subdivider from the FWIA requirement. Exemption from the FWIA does not relieve the subdivider of the responsibility to address "wildlife and wildlife habitat" in the EA.

¹Those conducting or receiving the results of a Species of Concern inventory are encouraged to share the data with the Montana Natural Heritage Program (see Appendix A for contact information).

3. Summary of Probable Impacts Guidance

Purpose and Use

FWP's *Summary of Probable Impacts (SPI) Guidance* is a simplified version of the FWIA. The locally required SPI portion of a subdivision application can include this guidance. FWP biologists are encouraged to review the completed SPI for accuracy. However, subdividers should not expect FWP to complete the SPI for them.

Recommended SPI Guidance

FWP recommends that the SPI address the following in summary form:

1. The species of fish and wildlife, including Species of Concern, that use all or part of the project planning area (proposed subdivision site plus a one-half-mile radius around it) on a year-round, seasonal, or periodic basis.
2. Existing vegetation, aquatic habitats, and wildlife habitats in the project planning area (e.g., water bodies and their associated riparian habitat, big game winter range, native grassland or shrubland habitats, areas used by black or grizzly bears).
3. The proposed subdivision's potential impacts on "wildlife and wildlife habitat," both during construction and at full build-out, taking any applicable fish and wildlife habitat standards into account.

4. *Alternative Subdivision Design*

Purpose and Use

The *Alternative Subdivision Design* (ASD) process outlined below may be of interest to local governments that adopt subdivision design standards for conserving important fish and wildlife resources. This process offers the subdivider some flexibility and promotes creativity in subdivision design, with one important stipulation: *The proposed design meets or exceeds the objectives of the adopted design standard.*

Recommended ASD Process

The ASD is not subject to the traditional variance process. The subdivider submits an ASD as part of the subdivision application. Subdividers interested in utilizing the ASD process are encouraged to consult with the local FWP field biologist, or another professionally trained biologist, and the subdivision administrator about the viability of the proposed ASD, well in advance of submitting a subdivision application and preliminary plat for review. With an ASD process in place, FWP biologists offering early input to a subdivider or commenting on a particular subdivision application can more freely consider alternatives to the adopted design standard, while still meeting the purposes of the standard.

1. Recommended procedure for subdividers who are locally required to complete an Environmental Assessment (EA) and who wish to propose an ASD.

Retain a professionally trained biologist to conduct a *Fish & Wildlife Impact Assessment* (FWIA). Evaluate the proposed ASD as part of the FWIA, and include science-based information indicating that “wildlife and wildlife habitat” will be conserved as effectively, or more effectively, than if the prescribed standard was used. Based upon the findings of the FWIA, the subdivider may recommend a design standard different from that contained in the local subdivision regulations. The FWIA containing the ASD evaluation is submitted with the subdivision application and preliminary plat.

2. Recommended procedure for subdividers who are not locally required to complete an EA, but who wish to propose an ASD.

Retain a professionally trained biologist to address “wildlife and wildlife habitat” in the *Summary of Probable Impacts* (SPI). Evaluate the proposed ASD as part of the SPI, and include science-based information indicating that “wildlife and wildlife habitat” will be conserved as effectively, or more effectively, than if the prescribed standard was used. Based upon the findings of the SPI, the subdivider may recommend a design standard different from that contained in the local subdivision regulations. The SPI containing the ASD evaluation is submitted with the subdivision application and preliminary plat.

3. Staff Recommendation

In his or her review of the subdivision application and preliminary plat, the subdivision administrator provides a recommendation to the subdivider, the governing body, and, if applicable, the planning board, as to whether or not the proposed ASD meets or exceeds the intent of the “wildlife and wildlife habitat” standard that otherwise applies to the project.

4. Governing Body Determination

The governing body makes the final determination as to whether the proposed ASD meets or exceeds the intent of the adopted standard.

Examples of *Alternative Subdivision Designs*

- Adopted standard may require subdivision development features to avoid all winter range found on-site. ASD proposes clustered development on this winter range and permanent conservation of an equivalent area of off-site winter range that is located within one mile of the proposed subdivision and that provides habitat as or more important than that found on the proposed subdivision site.
- Adopted standard may prescribe a vegetated buffer to protect Ferruginous Hawk nesting sites. ASD proposes using platted building envelopes to locate homesites closer than the prescribed buffer distance, but behind a topographic feature (e.g., a knoll or knob) that will shield the nesting site from the proposed development.

