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HELENA, MONTANA 59620Prepared by
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July 19, 1978Subdivisions and MEPA

For the past ten to twenty years in Montana, community development statistics have shown a shifting trend from an urban life style to one of a more rural environment. Up to the early "60's" the rural movement was slight to moderate, and Montana's countryside absorbed these developments without considerable consequence. In the past ten years, however, there has been an overwhelming shift to rural developments, requiring the Montana countryside to support a demanding human culture rather than that of farming, ranching and wildlife concerns.

With information gathered from the Department of Community Affairs, the Department of Natural Resources and Conservation, the Department of Agriculture, the Department of Health and Environmental Sciences and the Department of Fish and Game, I have prepared a report regarding subdivided lands. Four counties have been reviewed with each county broken down by drainage and each drainage's subdivisions tallied. The acreages presented are all approximated and underestimated. Due to the small-scale maps used no subdivisions were shown that did not encompass at least 20 acres. One should also note that although these lands have been surveyed and subdivided, not all of these lands have been developed.

The four counties portrayed were Park County, Gallatin County, Ravalli County, and Flathead County. The mapping data was collected during the summer of 1977, therefore that information is now a year old. Park and Gallatin Counties were selected for review because the researcher was



familiar with their geography which helped to provide a data arrangement system, and also subdivisions are beginning to leapfrog throughout these counties. Flathead and Ravalli Counties were selected as representatives of Western Montana where the brunt of large scale subdivision has occurred. Other counties such as Cascade and Yellowstone have also been subjected to large amounts of rural development. To a somewhat lesser extent, other areas impacted are those counties offering desirable river bottoms, especially in the more mountainous regions of Montana.

Methods

For each of the four counties selected, a chart was constructed, and each chart illustrated the total estimated subdivided acres. The charts are broken down into five categories, each category except one selected from DCA's existing land use map's legend. That one category, "Wildlife and Flood Plain Lands", was chosen because the researcher felt that "Wildlife and Forest Lands" did not adequately represent those lands along the river bottom. Most areas were documented by drainages and by specific landmarks such as Cooke City, Glacier Park, and the respective lakes. Each chart lists the approximated acreages for each landmark and land use category and the totals for each land use category are shown as well as the approximate total amount of subdivisions. Additional information includes the total irrigated lands and the percent of these lands subdivided, total cropped dryland lands which does not include summer fallow acres, and wildlife acres impacted which includes the three columns



with the heading, "Wildlife." Ravalli County shows that 104% of the dryland farm land has been subdivided. Because only the dryland cropped land data, which excluded summer fallow, was obtainable for the year 1975, and the subdivision data was gathered in 1976, the percentage figures and the other dryland total cropland figures could be up to 50% incorrect.

Figure 1

PARK COUNTY

Subdivisions in acres*

	Irrigated Agriculture	Dryland Agriculture	Wildlife & Range Lands	Wildlife & Forest Lands	Wildlife & Flood Plain Lands
Shields River Valley and Yellowstone Confluence	550	420	2485		50
Bozeman Pass	190		1050	2350	
Paradise Valley Including Gardiner	2130		4770	970	1370
Cooke City				500	
Totals	2870	420	8305	3820	1420

Total Subdivisions -- 16,835
(acres)

Total Irrigated Lands

Acres 68,575

% Subdivided 4%

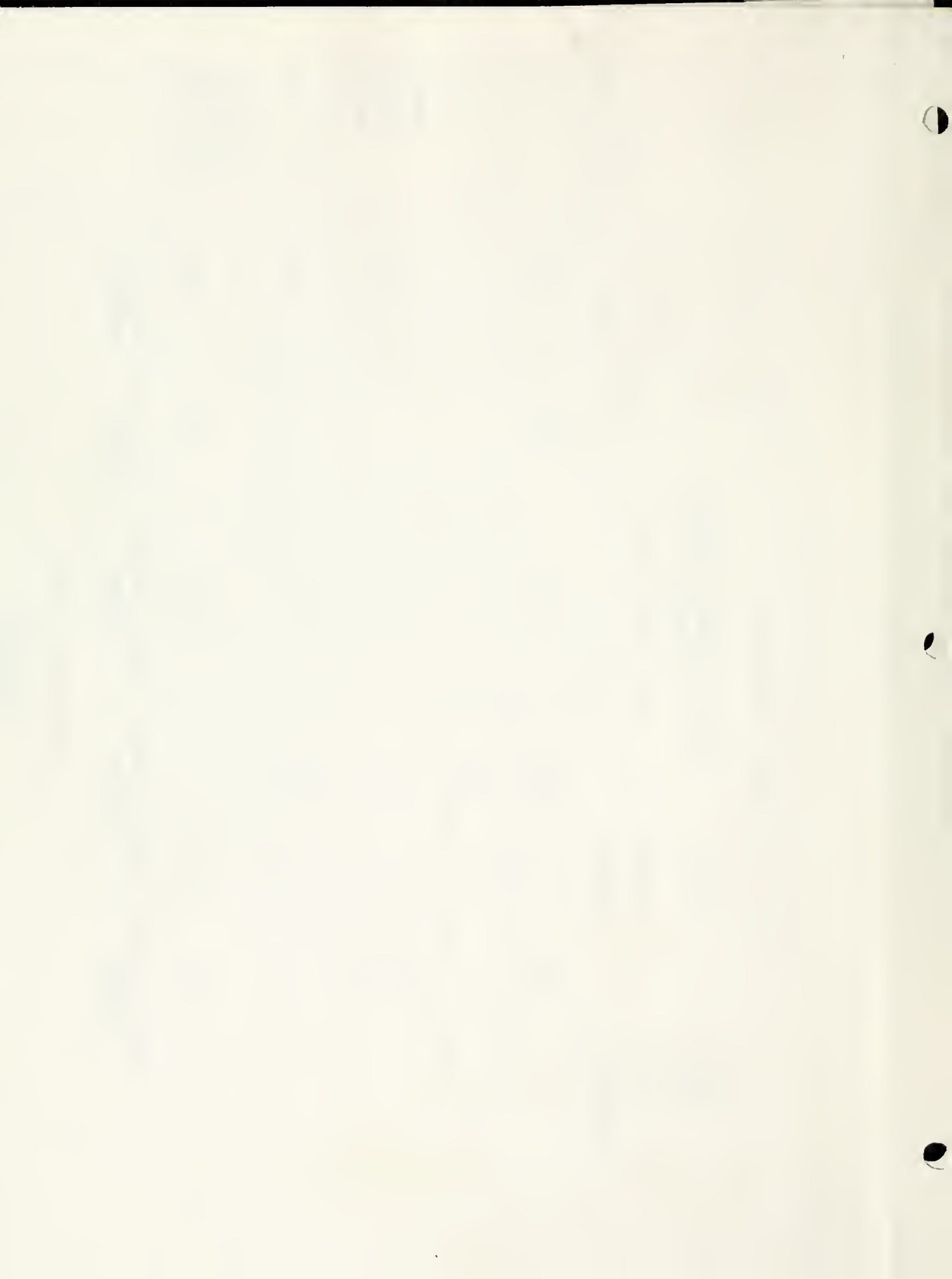
Dryland Farming
(Includes cropped acres only)

45,500

1%

Wildlife acres impacted -- 13, 545

* All acres approximated



GALLATIN COUNTY

Subdivisions in acres*

	Irrigated Agriculture	Dryland Agriculture	Wildlife & Range Lands	Wildlife & Forest Lands	Wildlife & Flood Plain Lands
Madison & Missouri Valley	600	800	7,260		740
Gallatin Flats	11,490	3,120	1,295	440	620
Hebgen Lake Area			1,070	760	
Gallatran Canyon			100	1,670	
Bridger Canyon	240	910	2,285	1,190	
Bozeman Pass	40	50	1,800	1,540	
Totals	12,370	4,880	13,810	5,600	1,360

Total Subdivided acres -- 38,020

Acres % Subdivided

Total Irrigated Lands 136,670 9%

(Includes cropped acres Dryland Farming 72,000 7%
only)

Figure 2



FLATHEAD COUNTY

Subdivisions in acres *

	Irrigated Agriculture	Dryland Agriculture	Wildlife & Range Lands	Wildlife & Forest Lands	Wildlife & Flood Plain Lands
Flathead River	13,450	21,250	10,280	60,280	8,670
Little Bitterroot River	630	120	1,560	10,170	720
Flathead Lake	670	4,940	1,310	8,739	930
Glacier Park				140	210
Totals	14,750	26,310	13,150	79,329	10,530

Total Subdivision acres -- 144,069

Total Irrigated Lands	Acres	% Subdivided
	27,437	54%
Dryland Farming (Includes cropped acres only)	42,300	62%

Wildlife acres impacted -- 103,009

* All acres approximated

Figure 3

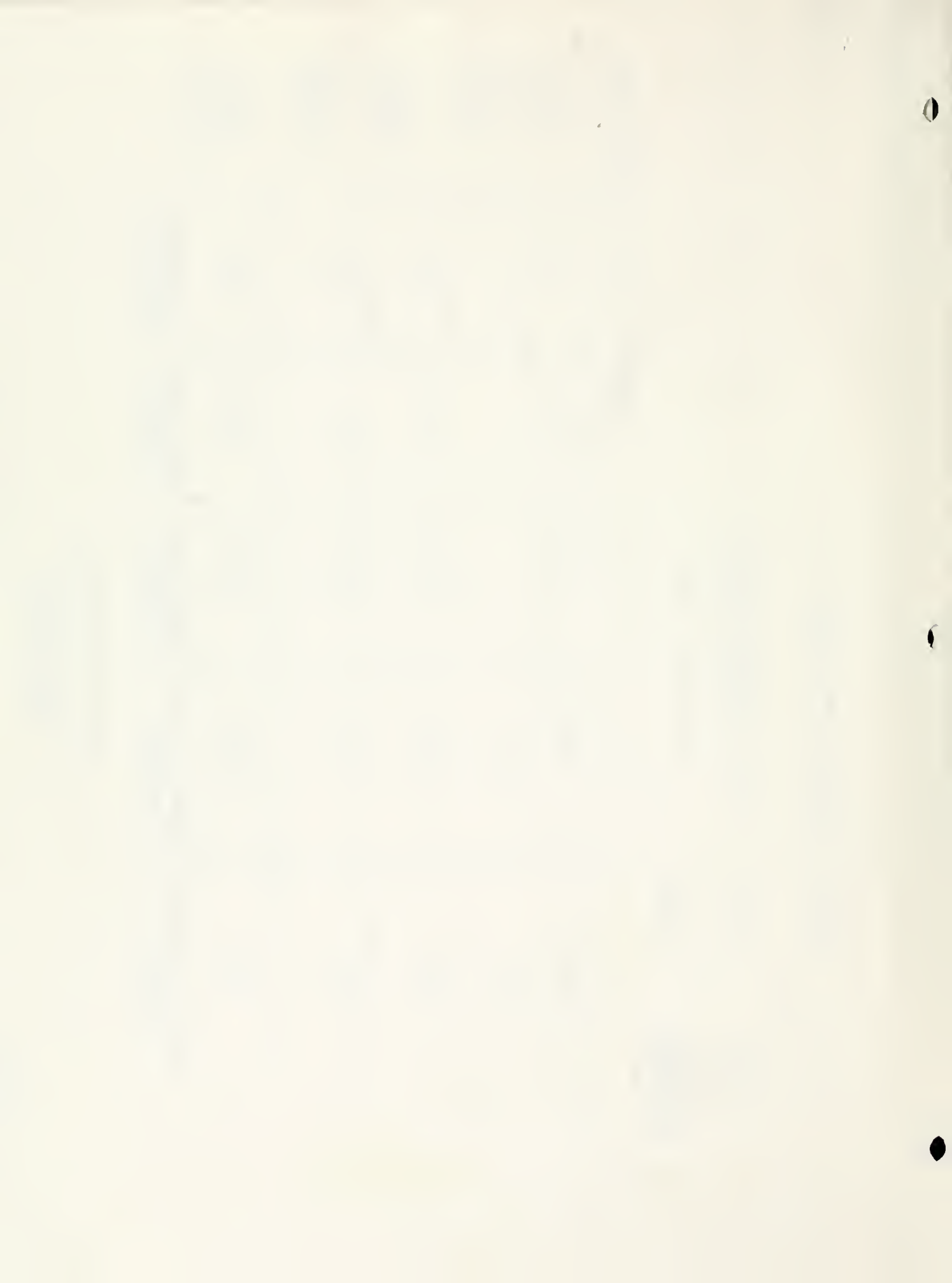


Figure 4

RAVALLI COUNTY

Subdivisions in acres*

	Irrigated Agriculture	Dryland Agriculture	Wildlife & Range Lands	Wildlife & Forest Lands	Wildlife & Flood Plain Lands
Bitterroot River	47,360	4,070	24,600	27,930	5,000

Total -- 108,960

	<u>Acres</u>	<u>% Subdivided</u>
Total Irrigated Lands	104,634	45%
Dryland Farming (Includes cropped acres only)	3,900	104%

Wildlife acres impacted -- 57,530

* A11 acres approximated

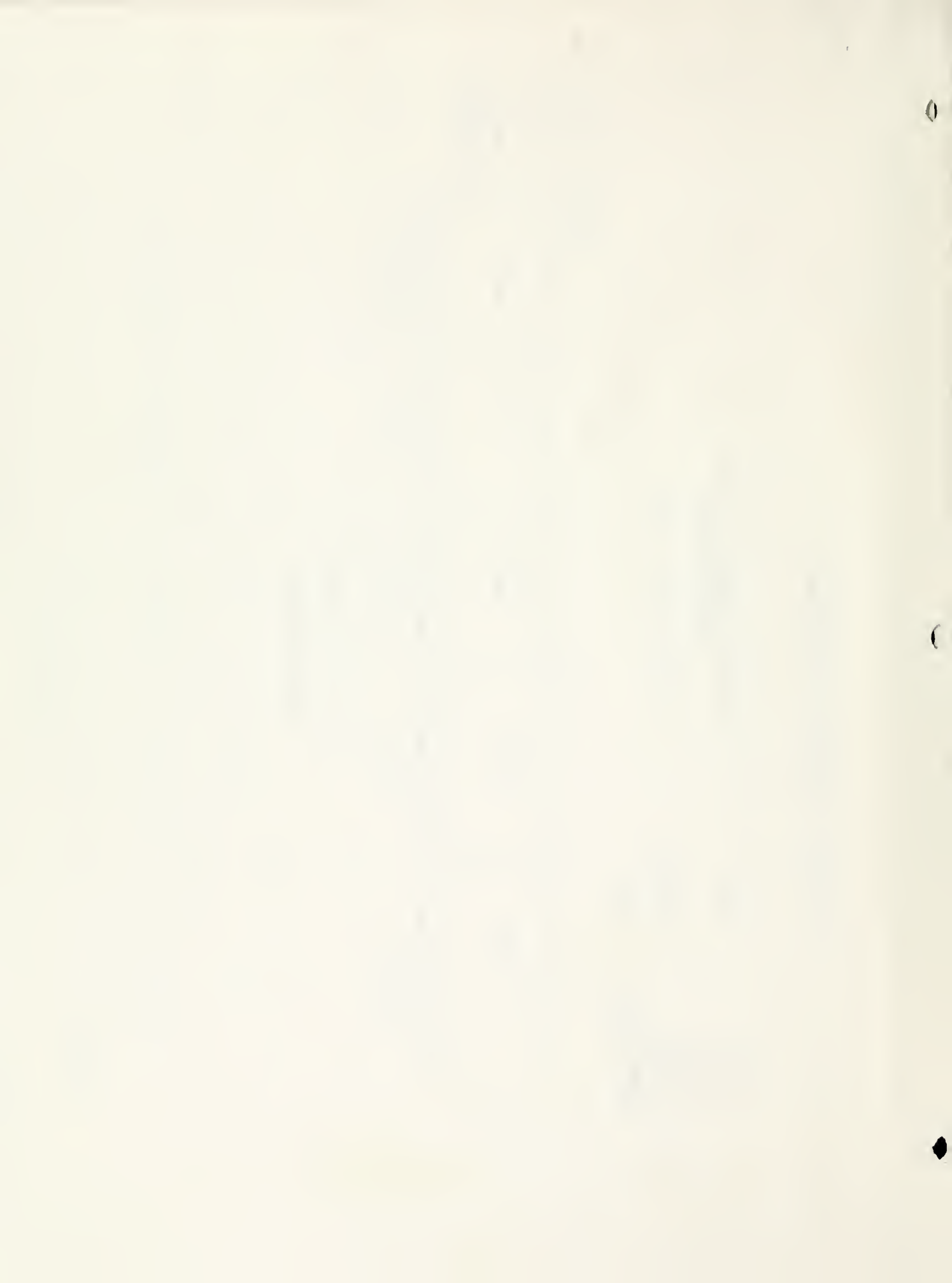


Figure Analysis

Figure 1, Park County, displays the least amount of subdividing of the four counties selected. But even here as in all counties, the drainage bottoms are shown to be the most developed areas in the county. River-front and irrigation properties are the most desirable places for bedroom developments and for second homes.

Figure 2, Gallatin County, has over twice as many subdivided acres as Park County with a significant increase in subdivisions occurring on agricultural lands. The Gallatin Flats, that area lying north of Gallatin Canyon, north, west, and south of Bozeman, and south and east of Belgrade have been heavily impacted with a total of 16,965 acres subdivided of which 14,610 acres are on agricultural lands.

Moving to the western portion of Montana, Flathead County, figure 3, has a total of 144,069 acres subdivided, approximately 41,060 of those subdivided acres were designated for agricultural. 113,930 subdivided acres occur on the north, south, and Middle Forks of the Flathead River. The northern portion of Flathead Lake that lies within Flathead County has approximately 16,589 acres subdivided.

Ravalli County, figure 4, lies almost totally on the Bitterroot River drainage. This county, smaller than Flathead County, has approximately 108,960 acres subdivided, of which 51,430 acres are designated as agricultural.

All four of these counties have substantial wildlife lands impacted.



I have included the three columns with wildlife at their heads as wildlife lands when in fact wildlife - which includes all undomesticated animals - utilizes agricultural lands to a great degree. In a conversation with Joseph Egan, a wildlife biologist for the Department of Fish and Game, the fact was emphasized that these subdivided lands when developed will eliminate almost totally any resident big game animal species and game bird species. In addition, for a few species of big game animals and game birds, a zone of influence will be created which expands the boundaries of developmental impact beyond the surveyed boundary lines. With the inclusion of domestic pets, especially dogs and cats, the zone of influence is expanded even farther.

MEPA Considerations

The purpose of MEPA specifically states that we are, "to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man." MEPA's policy directs us to "recognize the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization," and "to create and maintain conditions under which man and nature can coexist in productive harmony."

The purpose and policy of the Act seem to come in direct conflict with the Supreme Court's Beaver Creek South decision regarding subdivision review and decision making by the Department of Health and Environmental



Sciences. The DOHES can only deny a subdivision on the basis of sewage, water supply, and solid waste disposal criteria. The other criteria written under MEPA 69-6503, "Declaration of State Policy for the Environment," have been completely disregarded in the subdivision decision process. The Montana Environmental Policy Act in this instance without any substantive power has become severely weakened.

In the DOHES rules implementing MEPA, rule number 16-2.2(2) - P2030 (b), states that at a minimum a PER will include "an evaluation of the immediate and cumulative impact on the physical environment..." and include 16-2.2 (2) - P2030 (c), that also states "an evaluation of the immediate and cumulative impact on the human populations in the area to be affected by the proposed action. . ." If these criteria are determined significant by the acting agency an EIS shall be initiated. From the information I have compiled on the four counties, the cumulative effects of subdivisions have gone beyond the range of significance into a range of massiveness and yet an EIS is only required on what is considered a major subdivision.

Another problem encountered by the DOHES is the lack of manpower in the subdivision bureau to adequately examine all the subdivisions filed by the counties. Since the beginning of fiscal year 1976, the number of applications received by the subdivision bureau have almost doubled. The number of large subdivisions such as those with around 300 lots have increased which should require office and field review. 1976 was the last year a new position was created in the subdivision bureau to aid in pro-



cessing the subdivision load. Because of the lack of manpower, the subdivision bureau has not been able to completely fulfill the statute requirements for subdivision review and field checking, especially to meet the needs of MEPA and the needs of the existing subdivision laws.

The Hensler Subdivision

The Environmental Impact Statement written by the DOHES regarding the Hensler Subdivision illustrates the procedural direction the environmental statement process has taken. All the criteria of a regular EIS were considered, but the approval of the subdivision was based on sewage disposal, water supply and solid waste disposal. Approval even under these criteria remained somewhat questionable due to lack of supportive information. Sewage disposal and the water supply seemed adequate for a subdivision with 415 parcels of land, 5 acres or larger, but a great unknown considering the above criteria was provided for any lots an acre or smaller. Solid waste landfill locations were addressed as "a difficult problem in the Bitterroot valley." "The land consists generally of sand, gravelly soils underlain by high groundwater, and the bench areas pose bedrock problems."

Other criteria such as roads, schools, public services, agricultural and wildlife will suffer major impacts if the subdivision continues. The above criteria may only be addressed in an EIS but cannot influence the approval of a subdivision.

There was no comment period awarded the public concerning the Hensler EIS. Due to the limited amount of time allotted by the statute under Title 76



for a subdivision decision - 120 days for a subdivision requiring an EIS - the 60 day review period mandated by the MEPA regulations became subservient to the subdivision act, since it took 120 days to write the EIS. If state agencies persist to abuse MEPA, it seems apparent that an act that was meant to preserve and protect one of Montana's most valued resources shall become unfortunately ineffective.

Conclusion

In conclusion, subdivisions are a serious problem and pose a difficult situation for Montana's decisionmakers. Prime agricultural and wildlife lands are threatened by total impact as subdivisions continue to accumulate for a people desiring a rural way of life. An understaffed subdivision bureau has little if any time to adequately implement and enforce the subdivision statute. The subdivision statute and the Supreme Court decision on Beaver Creek South has drastically undercut the Montana Environmental Policy Act rendering it merely a procedural exercise. An exercise that could provide a basic tool in the art of making decisions.

Alfred Jones

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