

no trace of a "systematic, interdisciplinary approach..."

Office Copy



Department of Health and Environmental Sciences
STATE OF MONTANA HELENA, MONTANA 59601

see also Sec. 69-6504 (b)(4)

John S. Anderson M.D.
DIRECTOR

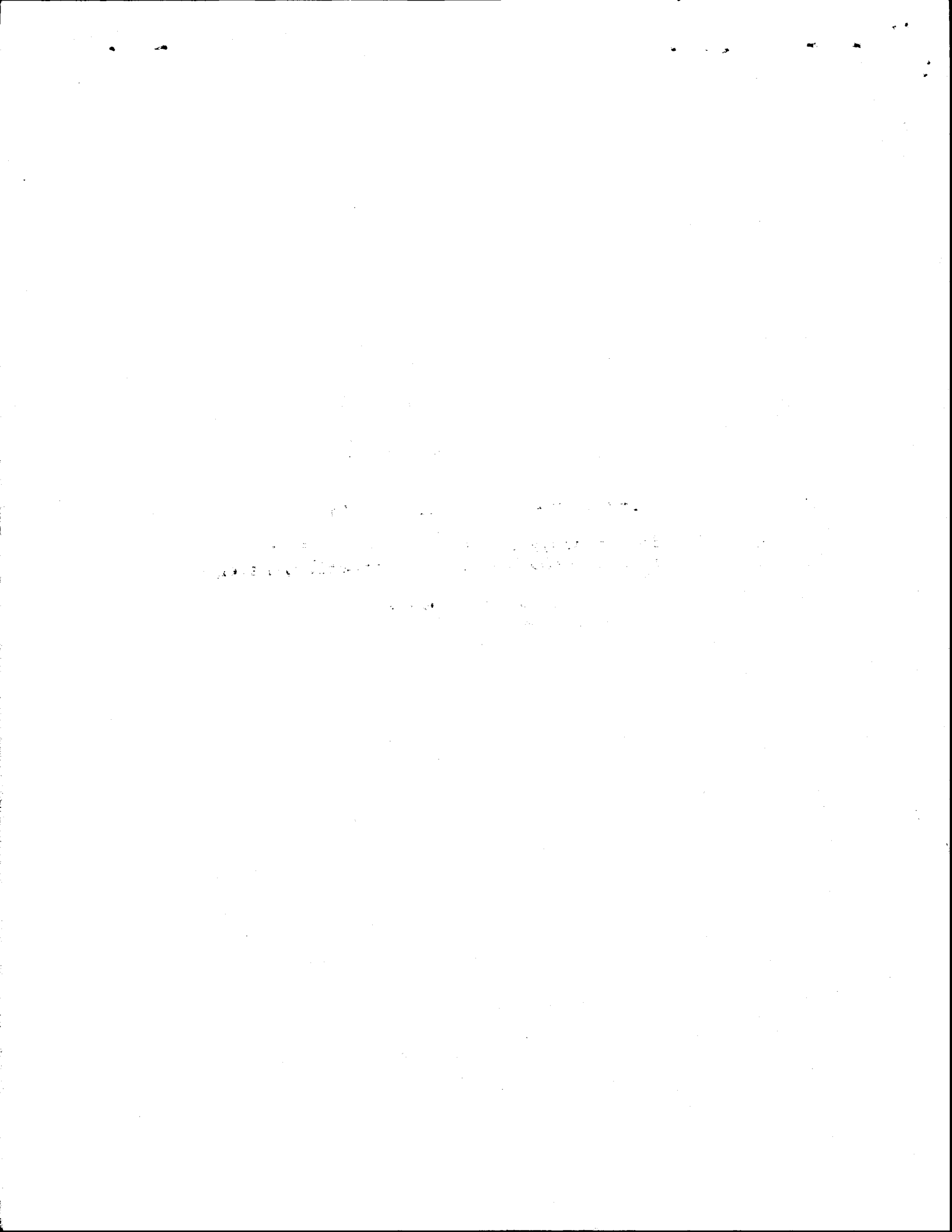
RECEIVED

June 26, 1974

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ENVIRONMENTAL QUALITY
COUNCIL

- Honorable Thomas Judge, Governor, State of Montana, Helena
- Don Brelsford, Brelsford & Associates, P. O. Box 1252, Bozeman
- Board of County Commissioners, Courthouse, Bozeman
- City-County Planning Board, Courthouse, Bozeman
- City-County Health Department, Box 639, Bozeman
- Gallatin County Attorney, Courthouse, Bozeman
- Jim DeWolfe, Bozeman Chronicle, Bozeman
- Morrison-Maierle, Inc., 910 Helena Avenue, Bozeman
- Department of Intergovernmental Relations, Division of Planning, Helena
- Department of State Lands, Helena
- Department of Natural Resources and Conservation, Helena
- Department of Highways, Helena
- Ronald Schleyer, Lee State Bureau, 317 Allen, Helena
- Rick Graetz, Box 894, Helena
- Perry Nelson, Gallatin Sportsmen's Association, 526 North Bozeman Avenue, Bozeman
- Louis Moos, Sacajawea Audubon Society, 712 South 13 Avenue, Bozeman
- Mary Lee Reese, 29 South Alta, Helena
- Dr. Richard C. Ritter, Box 1170, Bozeman
- James Posewitz, Department of Fish and Game, Helena
- Gallatin National Forest, Federal Building, Bozeman
- Charles Bradley, 1105 South Tracy, Bozeman
- Northern Rockies Action Group, #9 Placer Street, Helena
- Environmental Quality Council, Helena
- Ken Porter, 502 South Grand, Bozeman
- Student Environmental Research Center, Room 212 Venture Center, University of Montana, Missoula
- Montana State Library, Helena
- Doris Milner, Montana Wilderness Association, Route 1, Box 1410, Hamilton
- Ed Mohler, The Gallatin County Tribune, 201 Mendenhall, Bozeman
- Bozeman Public Library, Bozeman
- Environmental Studies Department, Larry Uman, University of Montana, Missoula
- Gallatin Canyon Study Team, Montana State University, Bozeman
- Beaver Creek South, Inc., 24 South Willson, Bozeman
- Consumer Advocate, Governor's Office, Helena



Rick Applegate, Box 931, Bozeman
Joe Sabol, Attorney, 27 North Tracy, Bozeman
Elizabeth Smith, 2311 Highland Court, Bozeman

Gentlemen:

This final environmental impact statement for Beaver Creek South, a proposed subdivision in Gallatin County, is submitted for your consideration pursuant to the Montana Environmental Policy Act.

If you have any questions or comments, please let us know.

Sincerely yours,



D. G. Willems, P.E., Chief
Water Quality Bureau
Environmental Sciences Division

DGW:APK:sh

Enclosure

cc: Dan Vichorek
Terry Carmody



MONTANA STATE DEPARTMENT OF HEALTH
AND
ENVIRONMENTAL SCIENCES

June 26, 1974
E.S. 74/85

A Final Environmental Impact Statement
for
BEAVER CREEK SOUTH,
a proposed subdivision in Gallatin County, Montana

Pursuant to the Montana Environmental Policy Act, Section 69-6504 (b) (3); the act controlling both public and private water supply and sewage disposal for subdivisions, Section 69-5001 through 69-5005; and the act to control water pollution, Section 69-4801 through 69-4827, the final environmental impact statement was prepared by the Department of Health and Environmental Sciences, Environmental Sciences Division, Water Quality Bureau, concerning the proposed Beaver Creek South subdivision in Gallatin Canyon, for which a submittal has been received requesting subdivision plat approval.

Location

This project is located approximately seven miles south of the Big Sky of Montana Meadow Village in the canyon of the West Gallatin River. It is situated in the SE 1/4 of Section 17, Township 7 South, Range 4 East, MPM. Beaver Creek South, Inc., a Montana corporation, intends to divide approximately 95 acres into 72 lots for single-family and multi-family residences with a maximum of 7 1/2 acres along U. S. Highway 191 reserved for a neighborhood commercial area. Beaver Creek crosses a portion of the property for about a quarter of a mile along the north side. The right-of-way of U. S. Highway 191 forms the eastern boundary.

A draft environmental impact statement was prepared and circulated for the proposed Beaver Creek South subdivision on the 8th day of April, 1974. A 15-day extension to the mandatory 30-day period for accepting comments and questions was requested by the State Department of Natural Resources and Conservation. This extension was granted in compliance with the Montana Environmental Policy Act. Copies of the draft statement, along with a plat and various exhibits are available for public inspection in the Helena office of the Water Quality Bureau.

Response to the draft environmental statement was received from the State Environmental Quality Council, State Department

of Highways, Gallatin Sportsmen's Association, U. S. Forest Service, State Department of Natural Resources and Conservation, the Northern Rockies Action Group, Inc., and Dorothy Bradley Applegate.

The Environmental Quality Council offered the following comments:

The following comments on your department's EIS for Beaver Creek South subdivision in Gallatin County are offered to assist your agency in refining its EIS process, and, hopefully, to improve the quality of the proposed subdivision.

Pages 1 and 2. If the proposed commercial area is intended to cater to neighborhood residents, i.e., residents of the proposed subdivision, why will it not be centrally located rather than along the edge of the subdivision on U. S. 191? Although the highway location may attract more customers, it would be less convenient to residents of the subdivision and would sacrifice some of the aesthetic qualities of U. S. 191 as a scenic highway.

Page 7. Careful management is necessary for successful operation of any land disposal system. Who will be responsible for operating the sewage treatment units and percolation ponds? The developer? The property owners? The Department of Health and Environmental Sciences? What qualifications will be required of the operator(s)?

Page 11. Eventually, vegetation will rot and decompose. Decomposition products may enter the soil and groundwater systems and result in soil plugging and water contamination. It may be advisable to harvest the reed canary grass from time to time to avoid these problems and to maintain a healthy stand of vegetation.

Page 14. Compatibility "with the existing quality and architecture in the area", i.e., Big Sky, would probably but the price of a lot and structure in this subdivision beyond the reach of the average employee of Big Sky. A real question is whether this development will satisfy the housing shortage for Big Sky employees, or will cater to the same class of people that are attracted to Big Sky.

In conclusion, a map or a scaled-down plat showing the arrangement of lots, park dedication, commercial area, soil types and filter ponds would have been useful in orienting oneself with the proposed subdivision. We wish to complement the Department of Health on its efforts to obtain pertinent information by consulting with appropriate agencies and individuals prior to circulation of the draft EIS.

map ①

Thank you for your efforts toward compliance with the Montana Environmental Policy Act.

The proposed commercial area is intended to cater to residents of the subdivision, and the highway location is designed to attract other customers. However, there would be only one access approach to U. S. Highway 191, and the commercial area would be served from a proposed frontage road.

Any sewage disposal system that requires maintenance needs careful management. The Beaver Creek South Association, which would be comprised of the lot owners, would be responsible for operation of the sewage treatment plant. A qualified operator would have to be hired to maintain the plant. Since this sewage plant would serve ten or more families, the operator would have to pass an examination and be licensed by the Montana Board for Certification of Water and Wastewater Operators.

The vegetation would have to be harvested from any type of surface disposal system, whether it be an infiltration pond or irrigation system.

Many have suggested that the price of a lot and structure may be beyond the reach of most employees of Big Sky, that the development would not solve the housing problems at the resort complex, but cater to the same class of people that are attracted to Big Sky. This may be a valid statement, but has no bearing on the decision whether or not to approve the plat.

It is agreed that a plat would be useful to one reviewing an environmental impact statement. One was not included in the draft environmental impact statement for budgetary reasons.

The State Department of Highways offered the following comments:

Reference is made to your draft environmental impact statement dated April 8, 1974 on the subject subdivision. As pointed out in the statement, this subdivision will generate a large amount of traffic that will utilize U. S. 191.

After reviewing the subdivision plat in your office we have the following comments.

what else has been left out for budgetary reasons?

1. Access to U. S. 191 should be limited to one approach at highway station 894 + 51 ± (Twin Antler Drive).
2. The approach at this point should be in accordance with the Montana Department of Highways Approach Standards for Montana Highways. The attached page 26 from this manual illustrates what would be an acceptable approach in this particular situation. It is recommended that 55 MPH speed to used for determining "F".
3. With the approach at Twin Antler Drive, there are adequate interior roads to serve the subdivision without allowing any other access to U. S. 191. The commercial area should be served from the proposed frontage road adjacent to U. S. 191.
4. It is requested that future statements include a general location map and a copy of the proposed subdivision plat. yes

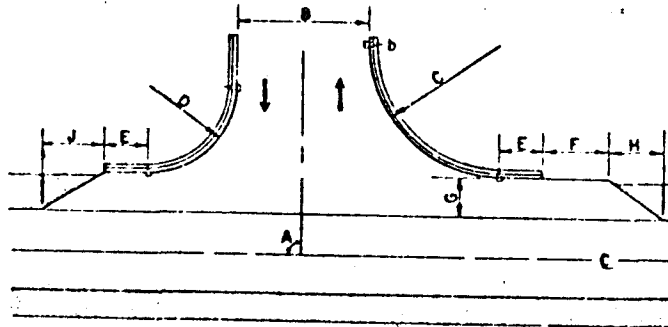
map (2)

Thank you for the opportunity to comment on this statement.

It is anticipated that Beaver Creek South Association will comply with the recommendations of the State Department of Highways. A permit is necessary for access to this primary road. It would undoubtedly not be issued if the approach at Antler Drive did not meet specifications.

PUBLIC ACCESS APPROACH
RIGHT TURN LANE & TAPERS

The applicant shall provide right-turn lanes or tapers as part of an approach or driveway system if the department determines that such right-turn lanes or tapers are required to minimize congestion or hazard on the highway caused by vehicles entering the applicant's approach. A right-turn lane shall be preceded by a taper. The design feature dimensions of a right-turn lane and taper shall conform to those shown below.



RIGHT-TURN LANE AND TAPERS					
Design Features		Curbed Highway		Uncurbed Highway	
		Standard	Range	Standard	Range
	E	10 ft	no range	10 ft	no range
Right-turn Lane Length	F	* *		* *	
Right-turn Lane Width	G	12 ft	10 to 15 ft	12 ft	10 to 15 ft
Entering Taper	H	150 ft *	50 to 150 ft	150 ft	50 to 150 ft
Exiting Taper	J	not applicable		50 ft	50 to 150 ft

* If a right-turn lane is used, the Entering Taper standard shall be 50 ft.
Without a right-turn lane, the Entering Taper standard shall be 150 ft.

The standard shall be used unless engineering judgment determines that another dimension within the range is more suitable for a particular site or special condition and is approved by the department.

* * TO DETERMINE F		
HIGHWAY SPEED M.P.H.	RIGHT TURN LANE F (FT.)	TAPER (FT.)
25	75	50
	0	150
30	100	50
	0	150
35	125	50
40	175	50
45	225	50
50	275	50
55	325	50
60	400	50
65	475	50
70	550	50

The Gallatin Sportsmen's Association sent in the following response to the draft environmental impact statement:

We appreciate the opportunity to comment on the draft environmental impact statement for the proposed Beaver Creek South subdivision in Gallatin County. Our main concern is for wildlife, mainly elk, in the area of the subdivision and adjacent to the subdivision.

Wildlife provide a major source of recreation in the Gallatin. Recreation hunting has been a traditional and necessary form of wildlife management for years. For 75 years, Montana Sportsmen have invested their money in management programs for the benefit of wildlife, people and recreation. The Beaver Creek South subdivision is adjacent to the Gallatin Game Range which was acquired for wildlife winter range and hunting in 1951 with sportsmen's money generated by hunting license fees and excise taxes on sporting arms and ammunition.

Since 1951 more extensive development has occurred in the area and the newcomers are already complaining about the hunting on the game range and adjoining public land. While we share their concern we must remind them that hunting has been an established use of wildlife on public lands since Montana became a state. We suggest it be mandatory that subdivision developers inform prospective buyers of the fact that hunting on public lands is an established right!

Environmental impact statements often convey the feeling that wildlife is not disturbed by development and merely move to another part of the forest and live happily ever after. Such a feeling has no basis in fact and demonstrates a lack of appreciation for wildlife ecology. Most Montana wildlife, especially the big game species, require habitat with wilderness type characteristics. Development in one form or another and the year long people activities associated with development can effectively stop wildlife production in the impacted area. The area of impact is always a much larger area than that occupied by the development alone. Eventually, development will stop the production of the wildlife dependent upon the area and their contribution to the wildlife population will be lost forever.

The development of land in wildlife winter range areas, such as Beaver Creek South subdivision, may also result in considerable economic loss to Montana. A recent publication indicates that wildlife in the area of the proposed subdivision could yield between \$50 to \$100 million in benefits over the next 25 years¹.

¹ 1974 *The Gallatin Area*, Bulletin 344, Gallatin Canyon Study Team, National Science Foundation, Cooperative Extensive Service, Montana State University, Bozeman, Montana

To realize the benefits we will need to protect the wildlife habitat, especially the winter range in the Gallatin. Also, a basic problem must be recognized--wildlife habitat cannot simultaneously be used for both wildlife under natural conditions and for development of subdivisions in or near the wildlife habitat.

If Big Sky of Montana, Inc. feels that this subdivision is necessary to their operation, we suggest it be moved into the West Fork area closer to Big Sky where wildlife is already relegated to a minor land use.

Montana citizens and sportsmen are concerned about land use control in relation to wildlife range. Unfortunately, concern has not been enough and the legislature "dropped the ball" when it came to seriously considering wildlife in laws dealing with planning and approving subdivisions. However, we hope the State of Montana will show concern, pursuant to the Montana Environmental Policy Act, for wildlife, for recreation and for our investment in wildlife that was made for the benefit of all people.

Our Association is not in favor of approving this subdivision because of the adverse impact on wildlife and on public recreation associated with wildlife.

It is true that the legislature did not pass legislation which would authorize consideration of wildlife habitat in the planning and approving of subdivisions. To not approve the subdivision based on adverse impacts on wildlife and public recreation based on wildlife would certainly precipitate litigation in the courts. This would not be in the long-range interest of wildlife protection. A probable adverse decision would have profound effects on the decision-making process of future legislatures.

Why so afraid of the courts?
One way of clarifying the issue

RDK

Personal opinion

The U. S. Forest Service has offered the following comments:

This is in response to your Draft Environmental Statement to Beaver Creek South, a proposed subdivision in Gallatin County, Montana.

Page 3, 4th Paragraph - Brelsford and Associates have made the most favorable interpretations of J. A. Olsen, et. al. "General Soils Maps and Soils Interpretation" in this and following paragraphs. This paragraph does not say but I infer that the Neighborhood Commercial and Single Family Residences will also be confined to the Bigel-Hobacker Association soils.

Page 11 and 12 - I echo the State Department of Fish and Game concern and would add that the development will further restrict game movement, particularly elk.

Page 23, 6th Paragraph - Forest Service contact with Montana Power Company does not support the quote of "no problem" in supplying the power needs of Beaver Creek South. John Cromer - Vice President for Electrical Operations of Montana Power at a 12/18/73 meeting with Forest Supervisor Hawkes told us that additional power service for the upper Gallatin Canyon, particularly Big Sky of Montana, would be needed by the fall of 1975. We have since received application for a 161 KV line from Clyde Park to Dillon to meet this and other needs. The developers of Beaver Creek South should be aware that this proposed powerline has not and may not be approved. Development of Beaver Creek should not be carried beyond the present power capacity in the Gallatin Canyon. If in fact all present power capacity is allocated, they should not proceed with their development until additional power is assured. ✓

owns in DHE'S
or developer?

Page 12, 7th Paragraph - The Gallatin Forest Fire Protection District does not include the land on this proposed subdivision and thus the U. S. Forest Service would not be responsible for wildland fire suppression on this property. Adjacent forested land is, however, within the fire protection district. The proposed subdivision would therefore have to depend on the volunteer fire district for both structural and wildland fire protection.

Page 13, 7th Paragraph - The treatment of the effect on traffic is very incomplete. No date is placed on the ADP's given. I would assume these figures are current. In 1971 the State of Montana Highway Department estimated the present highway will carry 4,500 ADP. At that time they said that in 1969 an average increase of 43 cars per day each year without Big Sky or an ADP in 1980 of 3,181 cars. Big Sky traffic by 1980 was estimated at 600 additional cars per day or 3,781 ADP. Today we have Beaver Creek South with an estimated 900 ADP for a total of 4,681 ADP. An additional figure should be added to this total for subdivisions proposed or approved since 1971 such as proposed Karst #1 and the approved Ken McBride subdivision in the West Fork. ✓

The State of Montana Highway Department should reevaluate their projections for this proposal and total use of this Highway taking into consideration peak periods of use. They appear to have used yearly average figures rather than peak figures and have not adequately considered the effect of other developments when they estimate a 4% increase per year to 1993; nor are they consistent with past projections.

Use of Highway 191 in the Gallatin Canyon may be approaching capacity during peak periods of the day now. Motor vehicle accident figures and deaths have increased many fold in the last five years. Beaver Creek South will intensify the problems. The report should accurately quantify these additional traffic problems and weigh their consequences including the consequences of a 4 lane highway.

The Beaver Creek development is not adjacent to National Forest land. Effects on National Forest land will be secondary in such forms as increased pressure for the 161 KV powerline, highway 191 improvement, use of National Forest lands for various recreation purposes, etc.

map ③
A map of this development would have helped greatly in the evaluation process.

The neighborhood commercial area and some of the single-family residences will be located on the Bigel-Hobacker Association soils. Part of the single-family residences would be constructed on Leavitt-Loeberg and Leavitt-Hanson Associations.

The development of Beaver Creek South would add to the total power needs of the area. This subdivision alone would not create a need for additional power lines but would be a contributing factor should one be deemed necessary.

The Department of Highways reaffirms their comments on the effects the proposed subdivision would have on U. S. Highway 191. Paul R. DeVine, Chief of the Planning and Research Bureau, states that highways are designed to handle the thirtieth peak traffic flow and not the greatest peak traffic period.

no response to consequences of 4 lane highway

The Department of Natural Resources and Conservation offered the following comments:

The Department of Natural Resources and Conservation (DNR&C) wishes to comment on the Department of Health and Environmental Sciences' Draft Environmental Impact Statement (EIS) for the proposed Beaver Creek South subdivision in Gallatin County. General and specific comments follow:

GENERAL COMMENTS

Although it requires more time and effort, some consideration of the cumulative impact of the increasing subdivision activity in the Gallatin Canyon is needed. Environmental assessments

should not be restricted to the impact of a particular subdivision but rather should reflect consideration of those in existence and to the potential for new subdivisions. Limited reviews provide only incremental assessments which may not describe the total situation. Incremental impacts can add up to significant impacts and, therefore, some effort must be given to assessing their cumulative effect. For example, one subdivision might, by itself, remove only an insignificant amount of wildlife habitat; however, several subdivisions in concert may remove a substantial amount of such habitat resulting in a major negative impact on wildlife.

map (4)
A helpful addition to readers of this statement would be a general locator map together with a map showing the arrangement of development within the subdivision.

SPECIFIC COMMENTS

Page 3, Covenants. The developers assert that development planning and architectural control are to be maintained by a landowners' association and that land-use covenants will reduce the disruptive influence of the proposed subdivision upon the natural environment.

A full discussion of the effectiveness of these control methods should be presented in the Final EIS. Such discussion should center on such questions as:

- (a) How is the landowners' association created and can it be dissolved?
- (b) What enforcement power does the association have?
- (c) Can the association modify or absolve the development plan or the restrictive covenants and, if so, by what means or procedures can this happen? and
- (d) Generally, are these restrictive covenants adequate to protect the natural environment? If not, where are they weak?

Page 6, Water Supply. In reference to the water supply, there is no mention of water rights. On page 7 it is stated that, ". . . it is anticipated (emphasis added) that no single well will serve more than eight dwellings or more than 24 persons . . ." This statement does not place a limitation on the withdrawal from each well. In accordance with the Water Use Act, if the yield is 100 gallons per minute or more per well then an application for a beneficial water use permit must be made to the Department of Natural Resources and Conservation, and a permit to appropriate water issued before construction may begin. It should be further noted that the Water Use Act also requires that regardless of the yield from each well, the driller must file a well log report. Within 60 days of completion the appropriator also must file a notice of completion of water development with the Department.