



# THOMPSON CHAIN OF LAKES STEWARDSHIP COALITION

Happy's Proposed RV Park Public Comments, Dated  
and Submitted September 13th, 2022

Lincoln County Commissioners: Jerry Bennett, Josh Lechner, and Brent Teste, And KMR Consulting: Kristen Smith

Based on the information we provide in the attached chart; we ask the County Commissions:

- To deny this subdivision proposal based on the proposal being inconsistent with The Lincoln County Growth Policy and the Thompson Chain of Lakes Neighborhood Plan.
- To deny this subdivision proposal based on omissions, mistakes and inadequacies from the Developer and the Lincoln County Planning Board and Staff.
- To deny this subdivision proposal based on the failure of the Environmental Assessment (EA) from the developer and planning staff's review of the EA to meet the requirement of MCA 76-3-102, MCA 76-3-603, MCA 76-3-608, MCA 76-3-608 (5)(a).
- To deny based on the unmitigable impacts referenced in detail with scientific assessments referenced in the following pages. MCA 76-3-608 (5)(a).

Each of the above serve as a basis for litigation.

**Once done, some things cannot be undone.**

*If the RV park is approved, it will be there for the indefinite future. The effects of the decision to admit dense development without understanding its impact on ground water, the very life of the Thompson Chain of Lakes, cannot be undone. And when the lakes are no longer healthy there will be little left of the "inherent quality and values of the region."*

## Table of Contents

Four Impacts, Summarized..... pages 2-3  
Detailed Analysis.....pages 4-17  
Legal Premise for Challenge to Process, Procedure  
and Content.....pages 18-32  
Attachments:  
Plat Map Addendum 1, APEC  
Hydrology Assessment, Addendum 2, S. Paustian Hydrologist  
Montana Bureau Mine Geology Groundwater Assessment Study

## Summary

The following pages provide our Coalitions concerns each tied to relevant legal citations. The following chart will explain in detail, the TCL Stewardship Coalition’s opposition to the Happy’s proposed RV Park development. We connected each of our issues and concerns to scientific referenced assessments and relevant legal citations. It is our hope, as you each read our concerns, that you will reflect on the hopes of the property taxpayers who are joining us daily in opposition to a development that is inconsistent with all the land management plans written about the Chain of Lakes. The Coalition’s members include Lincoln County homeowners, landowners, recreationists, hunters, and fishers who share a love and concern for wise land management of the Thompson Chain of Lakes.

We hold dear the words of the framers of Montana’s 1972 Constitution. They made it clear that a close relationship exists between the state’s natural resources and a high quality of life. Section One of Article IX assigned shared responsibility for protection and improvement of Montana’s water to the state and each person for present and **future generations**. Decision makers bear responsibility for preventing unreasonable depletion and degradation of natural resources.

We hope you heed these words from our State Constitution as you decide whether this special part of Montana becomes depleted and degraded for **future generations** – or not. We hope you chose the latter as we have provided you each with sufficient legal cover to deny this high-density development. The impacts are clearly unmitigable, **MCA 76-3-608 (5)(a)**.



*Thompson Chain of Lakes Stewardship Coalition*

## Four of the Many Unmitigable Impacts, Summarized

**Issues, impacts and process errors in the attached pages are legally significant.**

- 1. APEC Engineering Report material error.** There is a glaring error in the APEC, Inc. Engineering Report calling into question the entire **engineering report's accuracy**. It appears the developers' engineering firm, APEC, cut and pasted from their Indian Springs Ranch RV Subdivision Report, see APEC, Happy's RV Park proposal, dated 4/1/22 page 4.
  - This error exposes the vulnerability and accuracy of the entire APEC Engineering Report. No one can know for certain what else in the Happy's RV APEC Report may be from one of their other clients' subdivisions in this analysis. The Planning Board, the public, and the County Commissioners all deserve accurate information from which to make this very important decision.
- 2. Water contamination and depletion are unmitigable impacts.** The detail in the following pages is scientifically cited and should give anyone pause. Once the groundwater is contaminated (remember Libby groundwater contamination?), it is a costly cleanup and lives are changed forever. As an unmitigable impact, you have a legal imperative under MCA 76-3-608 (5) to deny this application.
  - Crystal Lake is a sink for sediment as well as contaminants contained in surface runoff and groundwaters
  - The developer acknowledges that the soil of this area is classified as "excessively drained" as defined by Soil Survey Manual. Due to the high porosity of coarse glacial and alluvial soils found throughout the project area, contaminants from the septic system can migrate into shallow gravel aquifers impacting wells immediately adjacent to the project area and effect springs along the NW shoreline of Crystal and Lavon Lakes.
  - Targeting this shallow aquifer as a water source may present the greatest risk of unmitigable water depletion to existing shallow wells in the area and springs that feed Crystal, Lavon and Horseshoe Lakes.
  - The cumulative effects of development on the TCL water resources need to be seriously evaluated when making this high-density land use decision. Happy's Inn RV Park subdivision permit application and supporting documentation do not adequately address potential impacts to water resources in adjacent areas.
  - Crystal Lake is a spring fed basin with no inlet or outlet streams. Lake replenishment is dependent on groundwater inflows and direct precipitation on the lake surface and adjacent shoreline riparian zones.
- 3. Public safety** should be of utmost importance to the County Commissioners. Law enforcement and emergency fire suppression both are struggling to meet current demand in the TCL area. The RV Park inflicts more public safety risks due to the increased visitation it will certainly bring to the TCL rural area. The impact to public services is woefully omitted in the developer's application as summarized below:

- LC Growth Policy (2019) Rural fire departments identified several major needs including a shortage of volunteer members and/or aging members; funding to meet increased demands from growth which include operations, training, and equipment.
- The planning staff does not address the Fisher River Valley FR fire chief's letter (6/17/2021) expressing concern about increased traffic, ATVs, UTVs, pedestrians and motorcycles at the site, past fatalities in this location and traffic speeds. The request to the highway department for reduced speed may or may not occur.
- Allowing a high-density subdivision is likely to have a two-fold impact on current residents: it will increase competition for emergency services that are already tenuous (volunteer, understaffed), and it will unfairly place on them the tax burden for these services when they are expanded to meet demand.
- Per 10/8/21 TWN Article, "Lincoln County Law Enforcement Could Face Lean Years Ahead". Per the article, Lincoln County struggles now to cover expenses with aging equipment and current number of officers. "More officers are needed to cover Lincoln County, (it is the size of Rhode Island, 3,600 square miles)". As the County Commissioners heard in the 8/10/22 Public Hearing on the proposed RV Park, Law Enforcement Officers can't adequately respond now, it will only get worse with the influx of people this proposed high density RV Park. Yet, the planning staff report reports, there will be "no impact" to public services if development is approved. That is not factual.

## Thompson Chain of Lakes Stewardship Coalition

Detailed and Legally Cited Public Comment Happy's RV Park Proposal (9/14/22)

"It is time to plan for new growth to protect the values of our community...The key to accommodating new growth is to place it where it belongs in context to the adequacy of infrastructure and sensitivity of the natural landscape." (Thompson Chain of Lakes Neighborhood Plan, 2010)

Montana law recognizes that in instances **unmitigated impacts** of a proposed development may be unacceptable and will preclude approval of the subdivision application (MCA § 76-3-608(5)(a)).

APEC WSR = APEC Water & Sanitation Report

APEC EL = APEC Engineering Letter (3/28/22)

DEQ SR = DEQ Subdivision Requirements

FWP TCLDMP = Montana Fish, Wildlife & Parks, TCL Draft Management Plan (2006)

LCPD SR = Lincoln County Planning Department Subdivision Report (2022)

LCGP = Lincoln County Growth Policy (2019)

LCSR = Lincoln County Subdivision Regulations (2020)

TCLNP = Thompson Chain of Lakes Neighborhood Plan (2010)

Application	Legal and Scientific Inconsistencies
<p>3. <i>Local Services</i> LCPD SR: "There does not appear to be a significant impact on local services." Planning Staff Report page 3</p> <p><u>Roads</u>: the planning staff only provides a listing of roads in the area, and the following statement "Traffic will increase because of the new RV Park. However, as a major paved travel corridor, US Highway 2 can accommodate the increase".</p> <p><u>Emergency Services</u> the planning staff only states "The Fisher River Volunteer Fire Company station is directly across West Camp Road for structural and wildfire protection. In addition, they provide EMT services."</p>	<p><b>This is an inaccurate statement. There is significant impact to public services.</b></p> <p>The planner fails to address the following impacts in their analysis, and therefore there is no attempt at mitigation other than dust abatement within the RV Park boundaries.</p> <p>The planning staff does not address the Fisher River Valley FR fire chief's letter (6/17/2021) expressing concern about increased traffic, ATVs, UTVs, pedestrians and motorcycles at the site, past fatalities in this location and traffic speeds. Nor the LC Planning Board's concern about speed and approach issues per board minutes (7/19/2022).</p> <p>The Developer does not address MT DNRC's role in the area regarding wildland fire, wrongly assuming that the area is the jurisdiction of the USFS. MT DNRC has jurisdiction for this area</p>

of Lincoln County along with FRVFR for wildfire, not the USFS. Information from this important service was not included.

The Developer references a letter from the FRV FSA fire chief, but the letter does not address the question in the Primary Impact Review questionnaire so fails to address impacts to services. The chief only states that FRVFR will provide protection and does not discuss impacts to FRVFR

FWP 2006 EA: "Funding and Staff levels for the Thompson Chain of Lakes are inadequate to perform sufficient levels oversight and of site and facility maintenance." In this rural area, FWP is a local service provider in that they are responsible for oversight and protection on their lands.

Burden on local services will increase with the influx of more people. FWP cannot provide oversight now. The best predictor of the future is the past, so it is logical based on the 2006 EA, and as evidenced from 2022 FWP site neglect (Turtle Cove and Boat Launch on Crystal Lake), that there will be greater impact to local services and facilities with an increased population from the RV Park.

TCLNP, 22: "The type and density of new development should be considered in relationship to the availability and quality of services. Primarily as part of the subdivision review process, new development should be responsible for mitigating its fair share of impacts to public infrastructure, including roads and utilities."

Allowing a high-density subdivision is likely to have a two-fold impact on current residents: it will increase competition for emergency services that are already tenuous (volunteer, understaffed), and it will unfairly place on them the tax burden for these services when they are expanded to meet demand. RV parks are a drain on community services while generating

very little tax revenue in return. Local property owners already pay taxes to support law enforcement, fire protection, ambulance services and search and rescue, and they will pay more if an RV park is approved.

The content of section 3 of the staff report is not an impact analysis, but an itemization of what is available. There is no mention the fire departments capacity, call volume, additional needs.

In fact, the LC Growth Policy (2019) – Local Services (pg 46-47) states:

“Rural departments have identified several major needs including a shortage of volunteer members and/or aging members; funding to meet increased demands from growth which include operations, training and equipment.”

Per the Lincoln County Sheriff letter dated 6/8/2021 states.... future development may require fees for increased services. The property owners of the Chain of Lakes will pay 98% of any additional taxes for public services and protection. The RV Park Owner will pay 2%. See analysis, addendum 2.

For Emergency Services the planning staff only states “The Fisher River Volunteer Fire Company station is directly across West Camp Road for structural and wildfire protection. In addition, they provide EMT services.”

Regarding other Emergency Services, the staff only states “Mt Highway Patrol has a presence in the area as does the LC Sheriff’s Office.”

Per 10/8/21 TWN Article, “Law Enforcement Could Face Lean Years Ahead”. Lincoln County struggles to cover expenses now with aging equipment and just with current staff salaries. More officers are needed to cover Lincoln County, ( it is the size of Rhode Island, 3,600 square miles). As the County Commissioners heard in the 8/10/22 Public Hearing, Law Enforcement can’t adequately

	<p>respond now, it will only get worse with the influx of people this proposed high density RV Park.</p> <p><b>Conclusion:</b> Omissions to this section do not meet MCA 76-3-603 (3)(a), which requires “specific, documentable, and clearly defined impacts”.</p> <p>The LC Planning Staff’s report on impacts on Local Services is not an impact report at all, but a listing of services. It fails to address impacts as required by MCA 76-3-608 (3)(5)(a).</p> <p>The Developer and the LC Planning Staff have failed to adequately address impacts specifically to Emergency Services as required by MCA 76-3-603(3)(5)(a).</p>
<p><i>4. Natural Environment</i> <i>Public lands</i> LCPD SR: The property is not adjacent to public lands, though there are some managed by the USFS to the west.</p>	<p><b>The Developer has completely failed to adequately address impacts to Natural Environment as required by MCA 76-3-603 by not even acknowledging the vast area of adjacent public land.</b></p> <p>Is the planning staff unaware to the 6,000 ac of State land adjacent to the proposed RV Park? The TCL is the largest state recreation area in the state. The vague reference to some FS lands to the west is ridiculously minimized.</p> <p>The statement and the omission of impacts to Montana FWP land is especially troubling since the planner mentioned at the earlier public meeting that the planning staff had reached out to Montana FWP.</p> <p>The FWP Management Plan (2006) is available and states “Funding and Staff levels for the Thompson Chain of Lakes are inadequate to perform sufficient levels oversight and of site and facility maintenance.”</p> <p>The TCL Neighborhood Plan (2010) states on page 18 "Residential growth in the TCL planning area may result in more intensive site management by FWP, as demands shift from</p>



	<p>overnight camping to day-use." And on page 22 "New development should consider impacts to recreation facilities and mitigate proportionally to the impacts."</p> <p>The Developer has failed to answer the questions regarding impacts to Public Lands on the questionnaire by a game of semantics to avoid the questions of this section.</p> <p>According to Merriam-Webster adjacent means being in proximity and may or may not imply contact.</p> <p>The developer is required to answer this question. Approximately 6,000 acres of State land administered by FWP is adjacent to this property. The nearest State land is within 400 ft. of the proposed RV park. Additionally, it is the intent of the developer to encourage the use of State lands by their guests as stated under the Parkland and Recreation section of the questionnaire. These impacts must be addressed in the EA.</p> <p><b>Conclusion:</b> The LC Planning Staff report fails to address Public Lands owned by the State of Montana adjacent to the proposed RV Park and lacks any impact analysis to natural resources. It fails to identify the Natural Resource concerns identified in the Neighborhood Plan and it fails to meet the requirements of MCA 76-3-608 (3)(a) (5)(a) which requires specific, documentable, and clearly defined impacts.</p>
<p><i>4. Natural Environment</i> APEC EL: "groundwater supplies are not likely to be contaminated or depleted as a result of this subdivision" then goes on to say, "The location and depth of all aquifers which may be affected by the proposed subdivision are unknown and have not been determined."  LCPD SR: "The location of the aquifer recharge areas is unknown, but they are not likely to be</p>	<p><b>These statements are arbitrary, unfounded, and nonfactual.</b></p> <p>This statement, "groundwater supplies are not likely to be contaminated or depleted as a result of this subdivision" is unfounded as the following scientific assessment explains by Hydrologist Steve Paustian, Sitka Hydro Science LLC:</p>

affected due to deep static water levels, well-drained soils and low-density development. In addition, placement of a community/public water system requires monitoring and maintenance.”

“Crystal Lake is also a sink for sediment as well as contaminants contained in surface runoff and groundwaters. Significant water quality concerns associated with Nitrogen and Phosphorus contamination from septic system effluent was highlighted 29 years ago in the Thompson Chain of Lakes Management Plan and Environmental Analysis (1993). There is a lack of recent water quality data to assess the current health of TCL water bodies. However, surface and groundwater quality degradation associated with stormwater runoff, septic system effluent, and pesticide and fertilizer application are ongoing concerns that need to be resolved for the TCL area. The cumulative effects of large-scale development such as the Happy’s Inn RV Park on the TCL water resources needs to be seriously evaluated when making land use decisions. In my opinion, the Happy’s Inn RV Park subdivision permit application and supporting documentation do not adequately address potential impacts to water resources in adjacent areas. Lack of site- specific information regarding proposed domestic water supply wells, and sewage treatment infrastructure make it difficult to accurately assess potential impacts to water resources from the proposed project.”

“The Happy’s RV Park subdivision application proposes development of 3 septic tanks and associated drain fields with a 150’ by 500’ mixing zone. No map showing the planned location of the sewage treatment infrastructure or the septic systems spatial relationship to existing and proposed drinking water wells is provided in the subdivision application. “

Soil Conservation Service. U.S. Department of Agriculture Handbook 18 definition for excessively drained.

Excessively drained- Water is removed very rapidly. The occurrence of internal free water commonly is very rare or very deep. The soils are commonly coarse-textured and have very high hydraulic conductivity or are very shallow.

Hydrologist Steve Paustian, Sitka Hydro Science LLC continues:

“Due to the high porosity of coarse glacial and alluvial soils found throughout the project area, contaminants from the septic system could migrate into shallow gravel aquifers impacting wells immediately adjacent to the project area and potentially effect springs along the NW shoreline of Crystal Lake a distance of 1200’.”

The TCL Management Plan EA (1993) states that “groundwater movement through unsorted glacial till that occupies much of the TCL Basin is difficult to predict and may be locally complex”. The RV Park subdivision application provides no details on local water table elevations, aquifer recharge zone or groundwater flow paths. The permit application states that the water source for the RV Park will be developed in a shallow gravel aquifer. Targeting this shallow aquifer as a water source may present the greatest risk of impacts to existing shallow wells in the area and springs that feed Crystal and Horseshoe Lakes.

Static water levels in this are not deep as shown in the Montana Ground Water Information Center (GWIC) data. GWIC data shows wells in this area- T27N R27W sec 19 (proposed site) and sec 30 have static water levels between 30 and 90 feet (avg 56.5 ft), and 8 and 51 feet (avg 24 ft) respectively. Wells in T27N R28W sec 24 have static water levels between 5 and 247 feet (avg 39.46 ft). Static water levels tend not to be deep, for example, around Crystal Lake, where levels of proposed drinking water wells are provided in the subdivision application. “

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Static water levels in this are not deep as shown in the Montana Ground Water Information Center (GWIC) data. GWIC data shows wells in this area- T27N R27W sec 19 (proposed site) and sec 30 have static water levels between 30 and 90 feet (avg 56.5 ft), and 8 and 51 feet (avg 24 ft) respectively. Wells in T27N R28W sec 24 have static water levels between 5 and 247 feet (avg 39.46 ft). Static water levels tend not to be deep, for example, around Crystal Lake, where levels of less than 50 ft. are common. Depth of static water levels from all recorded wells in three sections around the proposed development have average static water levels between 24 and 56.5 feet.

Of the samples provided in the well logs of the APEC Water & Sanitation Report, (pp. 55-66) the average well depth was 50ft, the average static water depth was 38ft, and the average gallons per minute produced was 18.5ft. In other words, there is no basis, including evidence of well logs presented by the developer, for the assertion that “it is unlikely that aquifer recharge areas will be affected”.

Hydrologist Steve Paustian, Sitka Hydro Science LLC states in his assessment:  
Drawdown of the lake levels from surface and groundwater extraction for domestic water needs is an ongoing problem associated with the growth of subdivision development in the TCL area. Several water bodies in the TCL area are especially vulnerable water withdrawal impacts. For example, Crystal Lake is a spring fed basin with no inlet or outlet streams. Lake replenishment is dependent on groundwater inflows and direct precipitation on the lake surface and adjacent shoreline riparian zones. Long term Crystal Lake residents have observed significant declines in seasonal lake level for several years corresponding with the increased domestic water use associated with expanding lakeshore and near lakeshore developments.

TCNLP, 11: "As additional development occurs in the TCL planning area, care must be taken to ensure that water quality is protected and conserved."

The developer is proposing to draw 7,900 gallons per day (=207,000 gallons per month, or 2,883,500 gallons per year) at the site (producing equal amount of septage waste) and to find sufficient water at a depth of 60 feet (APEC WSR, 3-4), while admitting to having no knowledge of the location, depth, or recharge capabilities of the aquifers. This makes no sense, for there is no way to gauge the impact of the RV park on the environment, and no basis for the conclusion that "there does not appear to a significant impact to the natural environment."

TCLNP, 19: "The lake/land interface is perhaps the most sensitive area in terms of water quality. The proximity and intensity of uses in this interface can have a significant influence on water quality."

What we do know of area ground water suggests that it is a fragile system closely linked to the lakes: "Recharge to the aquifer is by

	<p>precipitation that falls directly on the basin floors and by snowmelt that runs off the surrounding mountains and is transported into the basins by tributary systems." (LCGP, 52).</p> <p>This makes the water levels of lakes and aquifers dependent upon the unpredictable annual weather patterns, and the aquifer highly susceptible to contamination by septic fields, especially from a high-density development like the one being proposed, which would involve 4 septic systems and drain fields, washrooms, laundry facilities, and runoff from paved roads and parking areas. Because most of the lakes near the proposed site are spring-fed and have no surface inlets or outlets (Horseshoe, Crystal, Lavon, Bootjack, Leon, and Big Rainbow), what comes into these lakes cannot be flushed out, including human waste, fertilizers, petroleum products, and other chemicals.</p> <p><b>Conclusion:</b> Substantial and significant omissions regarding Public Lands result in failure to meet MCA 76-3-603 (3)(a), which requires specific, documentable, and clearly defined impacts.</p> <p>The fact is that groundwater supplies <u>are</u> unknown as stated by the developer in the EA. Therefore, possible contamination or depletion cannot be determined. Supposition of effects is not an adequate impact analysis and is not an adequate response given the value of these lakes and properties. The data provided by the developer does not support their conclusions of no impacts to groundwater, in fact it contradicts their conclusion.</p>
<p><i>5. Impacts on Wildlife and Wildlife Habitat</i></p> <p>LCPD SR: "There does not appear to be a significant impact to wildlife or wildlife habitat."</p>	<p><b>The application and the staff report not only do not address this concern noted in the Growth Policy, but in fact dismiss any impacts by implying that the wildlife can go elsewhere. The only thing that is addressed as a mitigation is bear-proof garbage cans.</b></p>

	<p>LC Growth Policy states on page 54, that “Subdivision activity in Lincoln County impacts wildlife as these areas tend to be at lower elevations where terrestrial species seek forage, and which can overlap with winter ranges for ungulates. As a result, human-wildlife conflicts and limitations on wildlife migration are an outcome of increased subdivision activity in the County”</p> <p>The high-density RV Park is in the close proximity of the habitat of nesting loons, a federally listed species of concern.</p> <p><b>Conclusion:</b> Impacts to wildlife are not addressed in the planning report although a mitigation is provided without the benefit of an impact. The report fails to address impacts as required by MCA 76-3-608 (3)(a) ((5)(a) which requires specific, documentable, and clearly defined impacts.</p>
<p><i>4. Natural Environment</i> LCPD SR: “The location of aquifer recharge areas is unknown and undetermined, but it is unlikely that aquifer recharge areas will be affected due to factors of deep static water levels, well-drained soils and low-density development”</p>	<p><b>This statement is untrue.</b></p> <p>GWIC data shows wells in this area- T27N R27W sec 19 (proposed site) and sec 30 have static water levels between 30 and 90 feet (avg 56.5 ft), and 8 and 51 feet (avg 24 ft) respectively. Wells in T27N R28W sec 24 have static water levels between 5 and 247 feet (avg 39.46 ft). Static water levels tend not to be deep, for example, around Crystal Lake, where levels of less than 50 ft. are common, including the wells at the Kicking Horse (49ft), the old Midway Market Site (46ft), and the community well on the north end of Crystal Lake (33ft). Of the samples provided in the well logs of the APEC Water &amp; Sanitation Report, (pp. 55-66) the average well depth was 50ft, the average static water depth was 38ft, and the average gallons per minute produced was 18.5ft. In other words, there is no basis, including evidence of well logs presented by the developer, for the assertion that "groundwater supplies are not likely to be contaminated or depleted as a result of this subdivision." There</p>

	<p>is currently a groundwater assessment being conducted in the Crystal Lake area by a representative of the Montana Bureau of Mines and Geology, and it would be prudent to await results of this before approving any more subdivision developments.</p>
<p><i>4. Natural Environment</i>  DEQ SR: "The applicant shall demonstrate that ground water quantity is sufficient for the proposed subdivision. "</p>	<p><b>The applicant has asserted this but has not proven it. The evidence submitted, including the well logs, do not clearly demonstrate sufficient ground water.</b></p> <p>Attached information from Montana Bureau of Mines and Geology: "Currently underway, a steering committee coordinates the groundwater research among state, federal, and local governments and oversees the Assessment Program Progress. Per the attached: Montana School of Mines and Geology is expected to have assessment completed in the future (3-5 years) for: 1. Aquifer locations and extents, 2. The groundwater flow system and 3. Water quality. "</p>
<p><i>7. Growth Policy</i>  APEC EL: "The Conceptual Land Use Designation Map identifies the project area as <b>Neighborhood Commercial</b>. The proposed RV Park use is appropriate for this location along the highway, within this designated land use."</p>	<p><b>This statement is not factual. In fact, the exact opposite is true. The law states that a Neighborhood Plan must be seriously considered. This is legally binding document that is incorporated into the Lincoln County Growth Policy.</b></p> <p>TCLNP: Lot 20 is mapped as Neighborhood Commercial in the TCLNP (Map B-3). RV Parks are not a permitted use in Neighborhood Commercial according to the Land Uses Associated with Land Use Designation table on page 37 of the TCLNP.</p> <p><b>Conclusion</b>  The Developer and Planning Board showed no serious consideration of the Growth Policy nor the Neighborhood Plan.</p>
<p><i>7. Growth Policy</i>  APEC EL: "This proposed subdivision, currently Lot 20 in the Montana Lakes Subdivision, is located in between the other</p>	<p>The large high-density RV Park is not consistent with the Lincoln County Growth Policy.</p>



<p>residential lots in this rural density subdivision, and US Hwy 2, and within the commercial highway corridor..."</p>	<p>TCLNP, 34: "One purpose of this map (B-3) is to discourage strip commercial development along the highway and to discourage higher densities of development in sensitive or remote locations. Residential land use density ranges between a high of 1 unit per acre to a low of 1 unit per 40 acres, on an average."</p> <p>The engineering report refers to the commercial highway corridor, which is an assumed label by the developer as there is no zoning, but the TLC Neighborhood Plan clearly states that such strip development is discouraged. Additionally, the engineering report acknowledges the area as a rural density subdivision, which according to the TLC Neighborhood Plan is from 1:1 or one unit per acre to 1:40 or one unit per 40 acres. The RV Park would exceed all levels of rural density identified in the plan and would fail to reflect the priority given to regulating density expressed repeatedly in both the LCGP (8 times) and the TCLNP (11 times).</p>
<p>7. <i>Growth Policy</i> LCPD SR: "The Lincoln County Growth Policy encourages development near existing communities and infrastructure."</p>	<p><b>This contradicts the Lincoln County Growth Policy because the thrust of LCGP is not the encouragement of development, but its control and management in a manner "consistent with the inherent quality and values of the region":</b></p> <p>"With recent growth in the state and national economy, Lincoln County is again seeing an uptick in development and subdivision activity... Greater demand on emergency service providers; conflicting neighboring land uses; and haphazard commercial development along highway corridors leading into established communities" (LCGP, 18). The TCLNP goes further: "A strategy that should be considered...is to place some average annual limits on the creation of new residential lots. Controlling the rate of growth might allow public services to better pace new growth" (TCLNP, 20). Weyerhaeuser/Plum Creek abruptly sold its Montana holdings in 2019, and since these are located almost entirely in the southeastern section of Lincoln County and</p>

	<p>surround the TCL area (see LCGP, fig. 21, p. 40), that makes this part of the county uniquely vulnerable to rapid growth. The signs of this are already evident: the sell-off &amp; conversion to real estate of 26,000 acres of timber lands, much of it in the TCL area, has led to multiple subdivisions : Montana Lakes (2021, 10 lots), Meadow Peak (under development, 36 lots), Pines at Fisher River (25 lots), Parkside at Fisher River (41 lots), all along the US2/TCL corridor, and with more to come. These will all increase demands on local infrastructure, especially water, recreation, and emergency services. It is entirely in keeping with the County's Growth Policy to consider the "cumulative impacts of multiple subdivisions on the natural environment" (LCGP, 60) as well as the wishes of area residents to hit pause on the Happy's RV Proposal. It is time to take stock of all this development in order "to better manage the pace and location of new growth" (TCSNP, 29).</p>
<p>7. <i>Growth Policy</i>  APEC EL: The proposed project is "congruent with the existing, surrounding development."</p>	<p><b>It is not factual as it is in clear opposition to the TCL Neighborhood Plan:</b>  "The Underlying Premise of the [Thompson Chain of Lakes Neighborhood] Plan is to protect property rights and values by offering assurance that the types, location, and density of the future uses are consistent with the inherent quality and values of the region." The developer proposes a high-density development in an area that is not high density. The project threatens to strain local natural and human resources while returning little in exchange. The developer has refused to entertain proposals for a scaled-down RV park and has chosen to push for the maximum number of RV sites allowed by the DEQ (69), revealing an overriding concern with investor profit and little concern for the "inherent quality and values of the region."</p>

## Legal Premise for Challenge to Process, Procedure and Content

Issue	TCLSW – Legal premise
<p><b>The Lincoln County Planning Board failed to consider the Growth Policy and the Neighborhood Plan</b></p> <p>The Lincoln County (LC) Planning Board <u>failed to give due consideration to the LC Growth Policy and the Goals therein, specifically <i>Goal 8</i>. They also failed to consider the <u>Thompson Chain of Lakes Neighborhood Plan</u>.</u></p> <p>There is no documentation in the LC Planning Board minutes of 7/19/2022 that board reviewed the RV park through the lens of the Growth Policy and specifically, Goal 8.2, 8.3, and 8.4 of the policy (pg 69-70) which discusses RV parks when Happy’s Inn RV preliminary plat was reviewed at the meeting.</p> <p>Nor is there any mention of reviewing the TCL Neighborhood Plan which also specifically addresses RV parks, unit densities and other related issues (pg 34-37).</p> <p>In fact, the LC Planning Board’s decision is in <u>direct opposition to the LC Growth Plan’s goals of 8.2, 8.3 and 8.4</u></p>	<p>The Lincoln County Commissioners adopted by resolution the LC Growth Policy (12/4/2019) at the recommendation of the Lincoln County Planning Board per MCA 75-1-603 and MCA 76-1-604</p> <p>“The Growth Policy is an official County public document that, upon adoption, becomes a guide for future County growth. The primary purpose of developing the Growth Policy is to help the public and elected officials identify goals and objectives, set priorities, and seek solutions to long term issues.” LC Growth Policy 2009</p> <p>MCA 76-1-605 states the governing body must be guided by and consider the general policy and pattern of development set out in the growth policy.</p> <p>The Lincoln County Commissioners adopted the Thompson Chain of Lakes Neighborhood Plan (2010). It states:</p> <p>“The underlying premise of the plan is to protect property rights and values by offering assurance that the types, locations, and density of future uses are consistent with the inherent quality and values of the region”.</p> <p>A Neighborhood Plan becomes a section of the Growth Policy per MCA 75-1-601 (4)(a).</p> <p>LC Growth Policy – Goal 8 (pg 70)  “8.2 - Explore developing regulatory controls for mitigating adverse impacts associated with the proliferation of RVs in residential subdivisions.”  Level of Importance -High</p> <p>8.3 Explore developing density regulations (or other measures) in areas of the County not conducive to dense residential or commercial</p>

	<p>development – e.g. areas with high wildfire risk, areas with productive agricultural lands, areas located far away from existing infrastructure and services, etc. Level of Importance -Medium</p> <p>8.4 Facilitate and support private landowner’s interest in developing citizen-initiated measures for regulating land use patterns in individual neighborhoods in the County. Level of Importance -Medium</p> <p>LC Growth Policy – Citizen Survey Question– Land Use and Development (pg 76)  “How supportive are you of the County developing some form of development regulations aimed at minimizing impacts associated with RVs in residential areas (e.g., de facto RV parks in residential neighborhoods, conflicts with vacationers among residences, possibly diminished residential property values)?”</p> <p>This question received <u>support from 58.7%</u> of the respondents to the survey.</p> <p>The landowners along the TCL initiated the very action (the neighborhood plan) the LC Growth Policy has set as a goal and is supported by the majority of the respondents to their survey, but then has been disregarded by the Planning Board and the Planning staff.</p> <p>However, the Thompson Chain of Lakes Neighborhood plan is listed as an “accomplishment” from the 2009 LC Growth Policy.</p>
	<p><b>Conclusion:</b> The Lincoln County Planning Board was negligent in their duties by not giving due consideration to the Growth Policy and the TCL Neighborhood Plan pursuant to MCA 76-1-605</p>
	<p><b>Conclusion:</b>  LC Planning Board meeting agendas are not available to the public and therefore</p>

	<p>exclusionary. The Public was not notified of the Planning Board Meeting on the RV Park, only the Developer was notified. The public letter was postmarked the day before the meeting, and many arrived 2 days after. When procedural error was noted on 8/10/22, the County Commissioners extended public comment and public hearing to 9/14/22 but did not give the public and adjacent landowners owners the opportunity to participate in a planning board public meeting.</p>
<p><b>The Lincoln County Planning Staff failed to properly address the content of the LC Growth Policy and the TLC Neighborhood Plan.</b></p> <p>The planner states that “the LC Growth Policy encourages development near existing communities and infrastructure.” But fails to address the clearly laid out goals Goal 8.2, 8.3 and 8.4, as discussed above.</p> <p>The planner <u>incorrectly</u> states “that the TCL Neighborhood Plan which identifies areas for intense use at this node and increasingly dispersed residential uses the further away on gets from this location.” Concluding that the project is in substantial conformance to the neighborhood plan</p>	<p>The intent of encouraging development near existing communities and infrastructure is to utilize existing services, however, there are few services or infrastructure in the area of Happy’s Inn. The proposed RV park intends to supply their own water through wells and their own sewer treatment systems exclusively for the RV Park which is contrary to the Growth Policy’s intent. This is reinforced in Goal 8.3 of the Growth Plan</p> <p>The TCL Neighborhood Plan clearly states <u>on Map B-3 that the area proposed for the RV park is identified as Neighborhood Commercial and RV Parks are <b>not a permitted use (pg 37)</b>.</u> The plan also states clearly that Land Use Designation Map “<b>is to discourage strip commercial development along the highway...</b>” pg 34</p>
	<p><b>Conclusion:</b> The LC Planning Staff has incorrectly, either by error or deliberately, misused public plans for the benefit of the developer.</p>
<p><b>Lincoln County failed to revise the 2020 LC Subdivision Regulations in accordance with the 2019 Growth Policy</b></p>	

<p>The revised LC Subdivision Plans fail to address regulations that were identified in the LC Growth Policy, specifically in regard to Goals 8.2, 8.3 and 8.4, even when goal 8.2 was listed as of High Importance.</p>	<p>Per MCA 76-1-606 which states that “When a growth policy has been approved, the subdivision regulations adopted pursuant to chapter 3 of this title must be made in accordance with the growth policy.”</p> <p>Regulations addressing other goals were incorporated during the revision, but those regarding RV Parks were not.</p>
	<p><b>Conclusion:</b> Lincoln County has violated MCA 76-1-606, Effect of Growth Policy on Subdivision Regulations</p>
<p><b>The Developer has failed to adequately address impacts to Emergency Services as required by MCA 76-3-603</b></p> <p>The Developer does not address MT DNRC’s role in the area in regard to wildland fire, wrongly assuming that the area is the jurisdiction of the USFS.</p> <p>The Developer references a letter from the FRV FSA fire chief, but the letter does not address the question in the Primary Impact Review questionnaire so fails to address impacts to services.</p>	<p>MT DNRC has jurisdiction for this area of Lincoln County along with FRVFR for wildfire, not the USFS. Information from this important service was not included.</p> <p>The chief only states that FRVFR will provide protection and does not discuss impacts to FRVFR.</p> <p><b>Conclusion:</b> Omissions to this section do not meet MCA 76-3-603 (3)(a), which requires “specific, documentable, and clearly defined impacts”.</p>
<p><b>The Developer has failed to honestly and adequately address impacts to Health and Safety as required by MCA 76-3-603</b></p> <p>The Developer answered “No” to heavy traffic or speeds over 35 mph <u>which is untrue</u>.</p>	<p>Speed limit in this section of road is 70 mph. Although, the developer answers “No” to heavy, speeding traffic, there is a described mitigation/avoidance measure that makes absolutely no sense what-so-ever.</p> <p>Nor does it address the concerns expressed by the FRVFR fire chief which are documented in his letter about the West Camp Road and Hwy 2,</p>

<p>The Developer states that topography and vegetation will create buffers to nearby residences to reduce noise, etc. This is false.</p>	<p>increased pedestrian, ATV and other traffic that are not addressed by the developer.</p> <p>This area lacks topography, it is flat. Vegetation will be removed during construction and development of various water treatment facilities as evidenced by the Lot Layout Map (attached). Landowners bordering the proposed RV Park and landowners near the proposed have expressed concern that the project will impact not only their enjoyment of their property, but also its value.</p>
	<p><b>Conclusion:</b>  Incorrect information and omissions result in failure to meet MCA 76-3-603 (3)(a), which requires “specific, documentable, and clearly defined impacts.”</p>
<p><b>The Developer has failed to adequately address impacts to Natural Environment as required by MCA 76-3-603</b></p> <p>The Developer has failed to answer the questions regarding impacts to <b>Public Lands</b> on the questionnaire by a game of semantics to avoid the questions of this section.</p> <p><b>The Developer makes arbitrary and unfounded statements in regard to Groundwater and the impacts to Groundwater.</b></p> <p>“groundwater supplies are not likely to be contaminated or depleted as a result of this subdivision”</p> <p>“The location and depth of all aquifers which may be affected by the proposed subdivision are unknown and have not been determined.”</p>	<p><i>According to Merriam-Webster adjacent means being in close proximity and may or may not imply contact.</i></p> <p><b>The developer is required to answer this question.</b> Approximately 6,000 acres of State land administered by FWP is adjacent to this property. The nearest State land is within 400 ft. of the proposed RV park. Additionally, it is the intent of the developer to encourage the use of State lands by their guest as stated under the Parkland and Recreation section of the questionnaire. These impacts must be addressed in the EA.</p> <p>This statement is unfounded as the following scientific assessment explains by Hydrologist Steve Paustian, Sitka Hydro Science LLC:</p> <p>“Crystal Lake is also a sink for sediment as well as contaminants contained in surface runoff and groundwaters. Significant water quality concerns associated with Nitrogen and Phosphorus contamination from septic system effluent was highlighted 29 years ago in the Thompson Chain</p>

<p>The developer acknowledges that the soil of this area is classified as “excessively drained” as defined by Soil Survey Manual per the geology section of the questionnaire.</p>	<p>of Lakes Management Plan and Environmental Analysis (1993). There is a lack of recent water quality data to assess the current health of TCL water bodies. However, surface and groundwater quality degradation associated with stormwater runoff, septic system effluent, and pesticide and fertilizer application are ongoing concerns that need to be resolved for the TCL area. The cumulative effects of large-scale development such as the Happy’s Inn RV Park on the TCL water resources needs to be seriously evaluated when making land use decisions. In my opinion, the Happy’s Inn RV Park subdivision permit application and supporting documentation do not adequately address potential impacts to water resources in adjacent areas. Lack of site- specific information regarding proposed domestic water supply wells, and sewage treatment infrastructure make it difficult to accurately assess potential impacts to water resources from the proposed project.”</p> <p>“The Happy’s RV Park subdivision application proposes development of 3 septic tanks and associated drain fields with a 150’ by 500’ mixing zone. No map showing the planned location of the sewage treatment infrastructure or the septic systems spatial relationship to existing and proposed drinking water wells is provided in the subdivision application. “</p> <p>Soil Conservation Service. U.S. Department of Agriculture Handbook 18 definition for excessively drained. <i>Excessively drained- Water is removed very rapidly. The occurrence of internal free water commonly is very rare or very deep. The soils are commonly coarse-textured and have very high hydraulic conductivity or are very shallow.</i></p> <p>Hydrologist Steve Paustian, Sitka Hydro Science LLC continues:</p> <p>“Due to the high porosity of coarse glacial and alluvial soils found throughout the project area, contaminants from the septic system could migrate into shallow gravel aquifers impacting wells immediately adjacent to the project area</p>
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“The location of aquifer recharge areas is unknown and undetermined, but it is unlikely that aquifer recharge areas will be affected due to factors of deep static water levels, well-drained soils and low-density development”

and potentially effect springs along the NW shoreline of Crystal Lake a distance of 1200’.”

The TCL Management Plan EA (1993) states that “groundwater movement through unsorted glacial till that occupies much of the TCL Basin is difficult to predict and may be locally complex”. The RV Park subdivision application provides no details on local water table elevations, aquifer recharge zone or groundwater flow paths. The permit application states that the water source for the RV Park will be developed in a shallow gravel aquifer. Targeting this shallow aquifer as a water source may present the greatest risk of impacts to existing shallow wells in the area and springs that feed Crystal and Horseshoe Lakes.

Static water levels in this area are not deep as shown in the Montana Ground Water Information Center (GWIC) data. GWIC data shows wells in this area- T27N R27W sec 19 (proposed site) and sec 30 have static water levels between 30 and 90 feet (avg 56.5 ft), and 8 and 51 feet (avg 24 ft) respectively. Wells in T27N R28W sec 24 have static water levels between 5 and 247 feet (avg 39.46 ft). Static water levels tend not to be deep, for example, around Crystal Lake, where levels of less than 50 ft. are common. Depth of static water levels from all recorded wells in three sections around the proposed development have average static water levels between 24 and 56.5 feet.

Of the samples provided in the well logs of the APEC Water & Sanitation Report, (pp. 55-66) the average well depth was 50ft, the average static water depth was 38ft, and the average gallons per minute produced was 18.5ft. In other words, there is no basis, including evidence of well logs presented by the developer, for the assertion that “it is unlikely that aquifer recharge areas will be affected”.

Hydrologist Steve Paustian, Sitka Hydro Science LLC states in his assessment:  
Drawdown of the lake levels from surface and groundwater extraction for domestic water needs is an ongoing problem associated with the

	<p>growth of subdivision development in the TCL area. Several water bodies in the TCL area are especially vulnerable water withdrawal impacts. For example, Crystal Lake is a spring fed basin with no inlet or outlet streams. Lake replenishment is dependent on groundwater inflows and direct precipitation on the lake surface and adjacent shoreline riparian zones. Long term Crystal Lake residents have observed significant declines in seasonal lake level for several years corresponding with the increased domestic water use associated with expanding lakeshore and near lakeshore developments.</p>
	<p><b>Conclusion:</b> Substantial and significant omissions in regard to Public Lands result in failure to meet MCA 76-3-603 (3)(a), which requires specific, documentable, and clearly defined impacts.</p> <p>The fact is that groundwater supplies <u>are</u> unknown as stated by the developer in the EA. Therefore, possible contamination or depletion cannot be determined. Supposition of effects is not an adequate impact analysis and is not an adequate response given the value of these lakes and properties. The data provided by the developer does not support their conclusions of no impacts to groundwater, in fact it contradicts their conclusion.</p>
<p><b>The LC Planning Staff has failed to adequately address impacts to Services as required by MCA 76-3-608 (3)(a), (5)(a)</b></p> <p>"There does not appear to be a significant impact on local services." Staff Report page 3</p> <p>For roads, the planning staff only provides a listing of roads in the area, and the following statement "Traffic will increase as a result of the new RV Park. However, as a major paved travel</p>	<p>This is an inaccurate statement. There is significant impact to public services. The planner fails to address all the following in the impact analysis:</p> <p>The planning staff does not address the Fisher River Valley FR fire chief's letter (6/17/2021) expressing concern about increased traffic, ATVs, UTVs, pedestrians and motorcycles at the site, past fatalities in this location and traffic speeds. Nor the LC Planning Board's concern about speed</p>

<p>corridor, US Highway 2 can accommodate the increase”.</p> <p>For Emergency Services the planning staff only states “The Fisher River Volunteer Fire Company station is directly across West Camp Road for structural and wildfire protection. In addition, they provide EMT services.”</p> <p>In regard to other Emergency Services, the staff only states “Mt Highway Patrol has a presence in the area as does the LC Sheriffs Office.”</p>	<p>and approach issues per board minutes (7/19/2022).</p> <p><b>The content of section 3 of the staff report is not an impact analysis, but an itemization of what is available.</b> There is no mention the fire departments capacity, call volume, additional needs, etc.</p> <p>In fact, the LC Growth Policy (2019) – Local Services (pg 46-47) states:  “Rural departments have identified several major needs including a shortage of volunteer members and/or aging members; funding to meet increased demands from growth which include operations, training and equipment.”</p> <p>Per the Lincoln County Sheriff letter dated 6/8/2021 states that law enforcement can accommodate the RV Park as planned, but future development may require fees for increased services.</p>
	<p><b>Conclusion:</b>  The LC Planning Staff’s report on impacts on Local Services is not an impact report at all, but a listing of services. It fails to address impacts as required by MCA 76-3-608 (3)(a) which requires specific, documentable, and clearly defined impacts. MCA 76-3-608 (5)(a).</p>
<p><b>The LC Planning Staff has failed to adequately address impacts to Natural Resources as required by MCA 76-3-608 (3)(a) (5)(a)</b></p> <p>In regard to Public Lands the staff report states “ The property is not adjacent to public lands, though there are some managed by the FS to the west.”</p>	<p>This statement is so inaccurate that it is a shock. Is the planning staff unaware to the 6,000 ac of State land adjacent to the proposed RV Park? The TCL is the largest state recreation area in the state. As to the vague reference to some FS lands to the west, well....</p> <p>The statement and the omission of impacts to Montana FWP land is especially troubling since</p>

<p>In regard to Ground Water the staff report</p>	<p>the planner mentioned at the earlier public meeting that the planning staff had reached out to Montana FWP.</p> <p>The FWP Management Plan (2006) is available and states "Funding and Staff levels for the Thompson Chain of Lakes are inadequate to perform sufficient levels oversight and of site and facility maintenance."</p> <p>The TCL Neighborhood Plan (2010) states on page 18 "Residential growth in the TCL planning area may result in more intensive site management by FWP, as demands shift from overnight camping to day-use." And on page 22 "New development should consider impacts to recreation facilities and mitigate proportionally to the impacts."</p> <p>The Staff report merely reiterates verbiage from the engineering report without any impact analysis at all.</p>
	<p><b>Conclusion:</b> The LC Planning Staff report fails to address Public Lands owned by the State of Montana adjacent to the proposed RV Park and lacks any impact analysis to natural resources. It fails to identify the Natural Resource concerns identified in the Neighborhood Plan and it fails to meet the requirements of MCA 76-3-608 (3)(a), and (5)(a) which requires specific, documentable, and clearly defined impacts.</p>
	<p><b>Conclusion:</b> Impacts to wildlife are not addressed in the planning report although a mitigation is provided without the benefit of an impact. The report fails to address impacts as required by MCA 76-3-608 (3)(a) and (5)(a) which requires specific, documentable, and clearly defined impacts.</p>
	<p><b><i>Overall the Staff Report does not address impacts for any of the criteria required by MCA 76-3-608(3)(a), (5)(a) and does not address Cumulative Impacts of multiple subdivision on</i></b></p>



<p>Subdivision Density</p>	<p>this development in order "to better manage the pace and location of new growth" (TCSNP, pg 29).</p> <p><i>"The Underlying Premise of the [Thompson Chain of Lakes Neighborhood] Plan is to protect property rights and values by offering assurance that the types, location, and density of the future uses are consistent with the inherent quality and values of the region."</i></p> <p>The developer proposes a high-density development in an area that is not high density. The project threatens to strain local natural and human resources while returning little in exchange. The developer has refused to entertain proposals for a scaled-down RV park and has chosen to push for the maximum number of RV sites allowed by the DEQ (69), revealing an overriding concern with investor profit and little concern for the "inherent quality and values of the region."</p>
<p>Subdivision Location</p>	<p>The TCL Neighborhood Plan on page 34 states "One purpose of this map (B-3) is to discourage strip commercial development along the highway and to discourage higher densities of development in sensitive or remote locations. Residential land use density ranges between a high of 1 unit per acre to a low of 1 unit per 40 acres, on an average."</p> <p>Additionally, the engineering report acknowledges the area as a rural density subdivision, which according to the TLC Neighborhood Plan is from 1:1 or one unit per acre to 1:40 or one unit per 40 acres. The RV park would exceed all levels of rural density identified in the plan.</p> <p>The engineering report refers to the commercial highway corridor, which is an assumed label by the developer as there is no zoning, but the TLC Neighborhood Plan clearly states that such strip development is discouraged.</p>

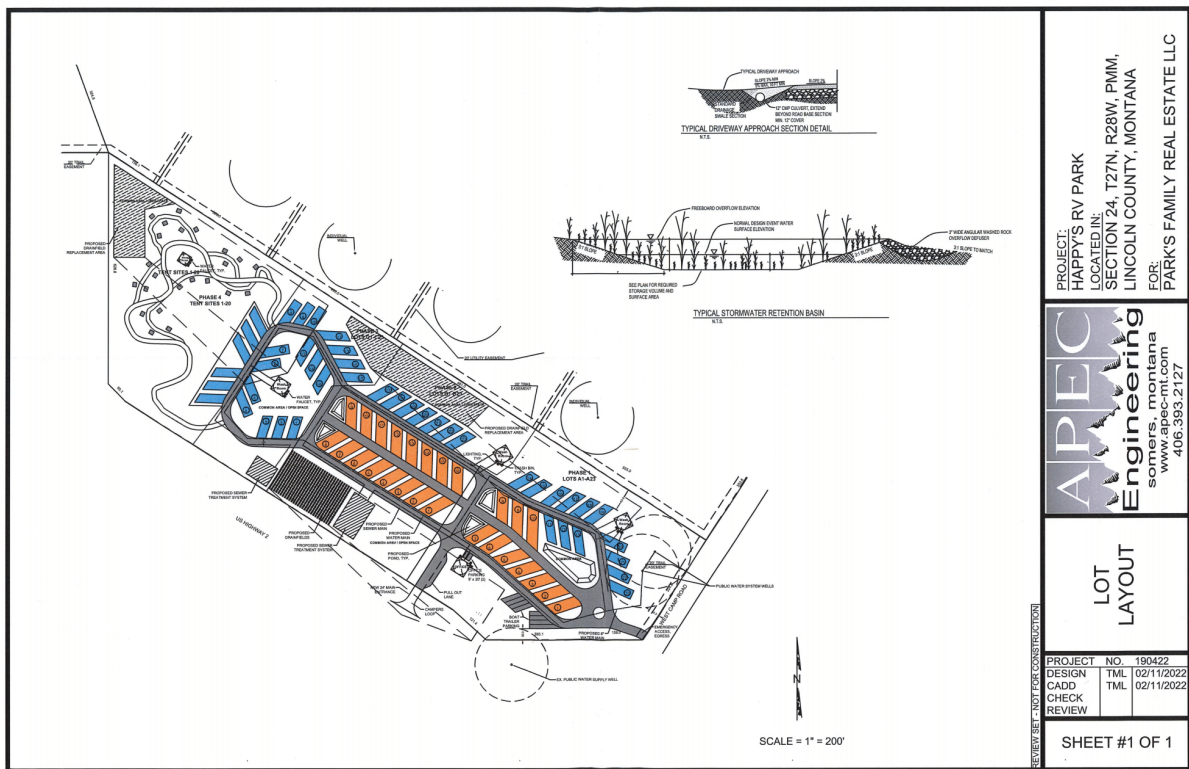
<p>Water</p>	<p><i>"As additional development occurs in the TCL planning area, care must be taken to ensure that water quality is protected and conserved." TCLNP, pg 11</i></p> <p>The developer is proposing to draw 7,900 gallons per day (=207,000 gallons per month, or 2,883,500 gallons per year) at the site (producing equal amount of septage waste) and to find sufficient water at a depth of 60 feet (APEC WSR, 3-4), while admitting to having no knowledge of the location, depth, or recharge capabilities of the aquifers. This makes no sense, for there is no way to gauge the impact of the RV park on the environment, and no basis for the conclusion that "there does not appear to a significant impact to the natural environment."</p> <p><i>"The lake/land interface is perhaps the most sensitive area in terms of water quality. The proximity and intensity of uses in this interface can have a significant influence on water quality." TCLNP pg 19</i></p> <p>What we do know of area ground water suggests that it is a fragile system closely linked to the lakes: "Recharge to the aquifer is by precipitation that falls directly on the basin floors and by snowmelt that runs off the surrounding mountains and is transported into the basins by tributary systems." (LCGP pg 52).</p>
<p>Services</p>	<p>Allowing a high-density subdivision is likely to have a two-fold impact on current residents: it will increase competition for emergency services that are already tenuous (volunteer, understaffed), and it will unfairly place on them the tax burden for these services when they are expanded to meet demand</p> <p>The proposed RV park will rely upon the emergency fire and medical services of the neighboring Fisher River Volunteer Fire Company, and while its proximity may serve the Park well, there has been no consideration of how the presence of up to 178 additional people and their vehicles in the area will impact the response</p>

	<p>times of a volunteer organization to the current area residents. For a tree fire at a residence on E. Crystal Lake Road last summer, the response time from FRVFC was around 45 minutes, and the recent increase of wildfires will only continue to increase demands on local services.</p> <p>The seasonal influx of up to 178 people along with their cars, boats, ATVs, etc. that the proposed RV park could bring will dramatically increase pressure on nearby public lands, esp. the nearby lakes, which are ill-equipped with few if any day-use facilities. On Crystal Lake, for example, the public boat launch is already being used for group gatherings, and the day use site at Turtle Cove is becoming a regularly and sometimes heavily used day-use site.</p> <p>It has no toilets nor fire rings. It has a 2 car limit then is frequently overburdened. Citizens have been asked to be FWP's and Law Enforcements eyes and ears, but calls go unheeded due to extreme staffing shortages</p>
Traffic Safety	<p>The RV Park would bring an estimated 200 trips per day (proposal estimate) in a speed zone of 70 mph, posing a danger to both car traffic and pedestrians trying to access Happy's Inn and the TCL park. This is not a safe proposal.</p>
Quality of Life	<p>Area residents are already experiencing increased traffic, speeding on access roads, increased noise and lighting (impacting the night sky), trespassing to access lakes, boating congestions and near-misses, human-caused fires, and wildlife harassment as a result of intensifying development.</p>
APEC Engineering Report Inaccuracies	<p>There is, <b>at least</b>, one error in the APEC, Inc. Engineering Report calling into question the entire engineering report's accuracy. It appears the developers' engineering firm, APEC, cut and pasted from their Indian Springs Ranch RV Subdivision Report, see Happy's RV Park proposal, dated 4/1/22 page 4.</p> <p>This error exposes the vulnerability and accuracy of the entire APEC Report. While a simple cut a paste is quite common, none can know for certain what else in the Happy's RV APEC Report</p>



may be from one of their other clients' subdivisions in this analysis. The Planning Board, the public, and the County Commissioners all deserve accurate information from which to make this very important decision.

Addendum 1 – Plat Map, APEC



Addendum 2 – Hydrological Assessment S. Paustian

RE: Comments on the Happy's Inn RV Park Subdivision Application

To: Lincoln County Planning Department

CC: Lincoln County Commissioners

My name is Steve Paustian. My spouse Mary Beth Nelson is co-owner of the Nelson Family Cabin, East

Shore Drive, Crystal Lake. Our family has visited the Crystal Lake Cabin each summer since the mid1980's. I am a retired Tongass NF Forest Hydrologist / Watershed Program Manager and do part time hydrologic consultant work in southeast Alaska. I have had extensive experience with environmental analyses of surface and groundwater issues for a wide variety of projects.

I am one of many stakeholders that are concerned about the conservation and stewardship of the ecological and recreation values provided by the Thompson Chain of Lakes (TCL) Ecosystem(encompassing the Thompson Chain of Lakes Neighborhood Planning Area and the Thompson Chain of Lakes Fish Wildlife and Parks Management Area). Drawdown of the lake levels from surface and groundwater extraction for domestic water needs is an ongoing problem associated with the growth of subdivision development in the TCL area. Several water bodies in the TCL area are especially vulnerable water withdrawal impacts. For example, Crystal Lake is a spring fed basin with no inlet or outlet streams. Lake replenishment is dependent on groundwater inflows and direct precipitation on the lake surface and adjacent shoreline riparian zones. Long term Crystal Lake residents have observed significant declines in seasonal lake level for several years corresponding with the increased domestic water use associated with expanding lakeshore and near lakeshore developments.

Crystal Lake is also a sink for sediment as well as contaminants contained in surface runoff and groundwaters. Significant water quality concerns associated with Nitrogen and Phosphorus contamination from septic system effluent was highlighted 29 years ago in the Thompson Chain of Lakes Management Plan and Environmental Analysis (1993). There is a lack of recent water quality data to assess the current health of TCL water bodies. However, surface and groundwater quality degradation associated with stormwater runoff, septic system effluent, and pesticide and fertilizer application are ongoing concerns that need to be resolved for the TCL area.

The cumulative effects of large-scale development such as the Happy's Inn RV Park on the TCL water resources needs to be seriously evaluated when making land use decisions. In my opinion, the Happy's Inn RV Park subdivision permit application and supporting documentation do not adequately address potential impacts to water resources in adjacent areas. Lack of site- specific information regarding proposed domestic water supply wells, and sewage treatment infrastructure make it difficult to accurately assess potential impacts to water resources from the proposed project.

The TCL Management Plan EA (1993) states that "groundwater movement through unsorted glacial till that occupies much of the TCL Basin is difficult to predict and may be locally complex". The RV Park subdivision application provides no details on local water table elevations, aquifer recharge zone or groundwater flow paths. The permit application states that the water source for the RV Park will be developed in a shallow gravel aquifer. Targeting this shallow aquifer as a water source may present the greatest risk of impacts to existing shallow wells in the area and springs that feed Crystal and Horseshoe Lakes.

The Happy's RV Park subdivision application proposes development of 3 septic tanks and associated drain fields with a 150' by 500' mixing zone. No map showing the planned location of the sewage treatment infrastructure or the septic systems spatial relationship to existing and proposed drinking water wells is provided in the subdivision application. Due to the high porosity of coarse glacial and alluvial soils found throughout the project area, contaminants from the septic system could migrate into shallow gravel aquifers impacting wells immediately adjacent to the project area and potentially effect springs along the NW shoreline of Crystal Lake a distance of 1200'.

I urge the Lincoln County Commissioners to reject the subdivision application for the Happy's Inn RV Park because the current proposal does not adequately address potential impacts to existing water uses and could negatively impact the health of Crystal Lake and other local water bodies. The Thompson Chain of Lakes Fish Wildlife and Parks Management Plan (1993) states that "protection of water resources and the ecosystem should be preeminent in any land use strategy ....Continued monitoring can provide the basis for management direction and is needed to preserve this valuable resource".

Unfortunately, contemporary water resource information to help guide sustainable development in the TCL Management Area is severely lacking. The recently initiated Montana School of Mines

Hydrogeologic Study is a good first step toward addressing these critical information needs. I also urge Lincoln County and State of Montana agencies to collaborate with TCL community stakeholders in

developing a comprehensive water resource monitoring framework that is needed to meet the stewardship objectives outlined by the TCL Management Plan and the 2010 TCL Neighborhood Plan.

Steven J Paustian

Sitka Hydro Science LLC

September—2022

Sitka, Alaska

Addendum 3 – Montana School of Bureau of Mines and Geology Groundwater Assessment Study, Lincoln and Sanders County

**Montana Bureau of Mines and Geology  
Ground Water Assessment Program  
Lincoln and Sanders County Study**

**The Work**

The Montana Bureau of Mines and Geology (MBMG) is conducting a Ground Water Characterization study in Lincoln and Sanders Counties. The purpose of the study is to delineate the extent, and assess the water quality, of the aquifers in the area.

As part of the study, MBMG staff will visit wells to measure water levels and collect groundwater samples. Information from these well visits will be used to compile maps describing:

- aquifer locations and extents,
- the groundwater flow system,
- and the water quality

Field work will be conducted in ~~2010-2019~~ <sup>2010-2012</sup>. All information obtained as part of this study will be available through the Ground Water Information Center's website: [www.mhmggwic.mtech.edu](http://www.mhmggwic.mtech.edu).

**Information from the study will be useful in answering questions, such as:**

- How deep will I have to go to drill a new well?
- Will the water be suitable for drinking?
- How much do water levels vary during the year?
- Is there any chance of using groundwater as a new public water supply?
- What are the current water levels in deep wells?

**About the Montana Ground Water Assessment Program**

Established by the Legislature in 1991, the Ground Water Assessment Program is designed to improve the understanding of Montana's groundwater resources by collecting, interpreting, and disseminating essential groundwater information. This information is vital for making science based management decisions.

One aspect of the Program is to conduct groundwater characterization studies to systematically assess and document the hydrogeology and quality of the state's major aquifers.

An interagency Steering Committee selects study areas, coordinates groundwater research among state, federal, and local government units, and oversees Assessment Program progress.

**For more information contact:**  
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**MBMG**  
*Montana Bureau of Mines and Geology*