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LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE

March 11, 2005

Gary and Vivian McDermott
227 8th Ave. So.
Shelby, MT 59474

We are property owners on Lake Five at 742 Belton State Road, 737 Belton Stage Road, and 772 Ross Point Drive.

RE: Lake Five FAS Acquisition and Development

Ladies and Gentlemen:

Montana Fish, Wildlife & Parks (FWP) has written, and mailed to you, a draft environmental assessment (EA) for a fishing access site (FAS) on Lake Five in Flathead County. As property owners, we are strongly opposed to this and would like to briefly comment on some of the points of that EA.

Fishing: The EA states that Lake Five contains brook trout, kokanee salmon, yellow perch, and largemouth bass. According to the FWP website, Lake Five has been stocked with brook trout (1952-53), rainbow trout (1954-60), cutthroat trout (1966-73), largemouth bass (1974-76) and kokanee salmon (1986-2004). In 1995 we found a 36" northern pike floating belly-up near our dock, so we know that pike have been present as well.

According to Jim Vashro, Regional Fish Manager, Lake Five was a good fishing lake in the 1950's. Sometime in the 1970's, public access became limited, so the FWP cut back on stocking the lake. FWP poisoned Lake Five in 1960 and again in 1968. The fish now being caught are kokanee salmon, which have been stocked for the past 20 years, and perch. The "496 fishing days annually" quoted in the EA means that someone fished at Lake Five 496 times per year. (The data was gathered through surveys of licensed fishermen and prepared 2001 to 2003) Mr. Vashro also stated that FWP would need to increase the numbers of fish being stocked at Lake Five to accommodate increased fishing there.

According to the FWP website, there are over 500 lakes and 3,000 miles of fishable stream flow through this region. It would seem that there is plenty of public access to fishing in this area of the state. It doesn't make sense to convert a recreational lake surrounded by private homes, to a public access fishing site. It is documented that fishing is already going on there, and that increased fishing opportunities would mean increased stocking of the lake, which would mean increased tax money being spent.

Public Access: In the EA, FWP states that this lake currently has no public access for boat launching. This is not *exactly* true. There *is* access for the public – it just isn't "free". The Lake Five Resort is equipped with a boat ramp, cabins, campground, RV sites, and a nice beach area. As with any business, they depend on the public for their living. The rest of the property owners on the lake are private individuals whose homes have either been in their families for generations, or who have paid a premium price for their lake property. In other words, their access to Lake Five isn't "free" either!

Economic Impact: One Ridenour family owns and operates the Lake Five Resort. The other Ridenour family lives adjacent to that Resort. It is common knowledge around the lake that the two families do not get along. In fact, there is a chain link fence separating their properties. It seems obvious that if the same services that are now being offered by the Resort were provided in the same location at no cost, there would be a huge economic impact on the Lake Five Resort. One wonders if the donation of a 10-acre tract of land for the creation of a fishing access site on Lake Five, is in fact, a deliberate attempt to do exactly that. Property values for private homes, formerly based on the privacy of the lake, will drop severely if that privacy is compromised by public access. It doesn't seem fair that one property owner could have this big an impact on all the other property owners in the area.

Safety: Lake Five is a relatively small lake, and due to its shape, there are several blind corners. It is a self-policed lake, where the residents have developed a "counter-clockwise" traffic pattern for boats pulling water-skiers. The Resort has informed its patrons of this traffic pattern, and there have been no accidents in more than 25 years. Adding (up to) 7 fishing boats to this small lake would mean that boaters and water-skiers would have to weave around the boats which would presumably be trolling or anchored while fishing. This would create a hazard for both groups of people.

Existing property owners' rights: The proposed fishing access site would include a "day use boat access area for 7 vehicle and trailer combinations and 16 parking sites for 16 individual cars." That means that up to 23 *groups* of people could conceivably be added to the Lake users on a daily basis. That many people cannot occupy 7 fishing boats at one time. What are they going to be doing? We are concerned that some of these people will drive around the lake in their boats until they find a residence where the people are not home, and then trespass on private docks and beach areas. We are also concerned that the boats launched will not be limited to fishing boats, but rather that they will be motor boats, wave runners and jet skis. One property owner donated the 10-acre parcel. One property owner should not have the right to have this kind of impact on the rest of the property owners in the area.

Supervision/Enforcement: It is our understanding that the "on-site host" proposed by the EA would be a volunteer, supposedly available for 18 hours a day (5a.m. – 11 p.m.). This person would have no authority to protect property or enforce laws; no control over what kind of watercraft was being launched; and would have to call law enforcement personnel should any trouble arise.

Taxpayer burden: The EA states "*A trust fund will be set up through the FWP foundation to provide a portion of the annual maintenance of this site.*" In reality, Mrs. Taylor has set aside funding of \$1500 per year for the maintenance & utilities for the host pad, and \$500 per year for the operations cost for enforcement personnel at the fishing access site. We would like to know exactly how much "enforcement personnel" could be provided for the sum of \$500 per year? It is obvious this proposal is not fully funded, and will therefore cost the taxpayers for operational costs, and that there will also be increased costs for fire or police protection, roads, water supply, sewer/septic systems and solid waste disposal. No mention is made of where the money will come from to build the site in the first place.

Aesthetic Value: Our family purchased a home on Lake Five 20 years ago (after staying at the Lake Five Resort for several summers). We paid a premium price for the privilege of living on a lake with limited public access. Over the years we have invested large amounts of time and money in that property, maintaining it and improving it, as a legacy for our children and our grandchildren to enjoy. We do not want free public access, including a boat launch area, at Lake Five. All of the property owners around the lake – the people who live there, maintain their property and pay taxes, should have an equal voice in this decision.

Discrimination: FWP has been working on the FAS proposal since January 2003. We, as property owners, were notified February 14, 2005 and given until March 16, 2005 to respond. The majority of the property owners on Lake Five live out of the area or out of the state, and some of the year-round residents take their vacations at this time of year. The time frame for both the responses and the open house on March 8, 2005 (a Tuesday night from 5-7 p.m.) were skewed in favor of the FWP agenda.

We believe we are being discriminated against because we own recreational property. We believe changing the historical usage of Lake Five so that the general public has free use of an area for which we had to pay a premium price is violating our property rights. We believe changing the environment from the restricted public access provided by the resort to total public access would compromise our economic investment by causing our property values to plummet. All of the property owners we have talked to are *adamantly* against this proposal and some of us are planning to fight it with all the resources at our disposal.

Sincerely,



Gary Mc Dermott



Vivian Mc Dermott

Cc: Governor's Office, Environmental Quality Council, Dept of Environmental Quality, Planning, Prevention & Assistance, DNRC, Montana Fish, Wildlife & Parks, SHPO, Montana State Library, Jim Jensen, George Ochenski, Wayne Hirst, Montana State Parks Association, Joe Gutkoski, Rep Dee Brown, Sen. Dan Weinberg, Flathead County Commissioners, Flathead County Library, Interested Parties