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November 11, 2016

Dear Greetings!

There are occasions when it falls to the people to hold their government accountable for disregarding the laws that they themselves enacted. We write to you today to tell you of our recent success in holding Flathead County officials accountable to the people, and to ask for your financial support.

In the case of the 2011 permit issued for a bridge of unprecedented length to be built from the north shore of the lake to Dockstader's Island, the Flathead County Commissioners ignored much of the legal criteria required under the Montana Lakeshore Protection Act. On September 19, Judge Robert Allison found that the County was, in fact, arbitrary and capricious in its issuance of this permit. He pronounced the permit void from the beginning; *it never had any legal legitimacy.*

As someone concerned with maintaining the beauty of Montana's lakes, you will appreciate that this court ruling has important, statewide ramifications. It shines a clear light on the importance of the Montana Lakeshore Protection Act and the regulations in place at the county level.

This judgment follows over a year and a half of organizing and legal work by CANSC and our attorney, Don Murray. We are thrilled at the court's conclusion, *especially that the bridge must be removed and the lakeshore restored to its previous condition*, which was always our objective.

Had we known in advance the effort required to get to this point, it is not certain that we would have had the courage to begin. Don has worked extraordinarily hard on this important case, and has done so at half the rate that is typical for this kind of work. While the many hundreds of hours devoted to this case has resulted in a *spectacular* victory, it has also resulted in a fairly daunting bill. Our on-going fundraising has made a large dent in our obligation for legal services, but we still owe Don and his firm over one hundred thousand dollars.

Prior to Judge Allison's decision, fundraising was challenging, for we had no guarantee of success. Our supporters contributed hoping for an outcome that was

far from certain. Now the money we raise will go toward a proven result: *We had our day in court and we won!* Donations now do not involve the same risk as before the court's decision. However, they are equally critical, for the judge's decision would never have occurred without the work of our attorney. Although Don has been very generous in both his rate and his terms, our obligation is very real.

For this reason we continue to seek donations from supporters such as you to complete our work to this point. Because this case was argued and won by a group of concerned citizens with no financial stake in the outcome, and only to require the County to adhere to its own regulations, *we believe there is a very good chance of being awarded attorney's fees*. Similar legal decisions provide a strong precedent for this. But to be sure, there is no guarantee, and any decision regarding fees will not be made soon. Nevertheless, the bills need to be paid and we ask for your financial support at this time.

There are two ways for you to donate to this victory:

Option 1: Donate directly to CANSC *and receive a refund should the court award attorney fees* (no tax-deduction available under this option). Under this option you will know for sure that your donation has done the job not only of proving the permit invalid, but also has resulted in an order for the bridge to be removed. When and if we are awarded attorney's fees, your money will be refunded in full.

Option 2: Donate to our 501-c-3-affiliate, Headwaters Montana, and *receive a tax-deduction* (no refund available under this option). If you are interested in supporting our success and do not require a refund, then we encourage you to use this option. Any donation made this way is fully tax-deductible.

Judge Allison's ruling is remarkably important on many levels. That a community group of concerned citizens prevailed over the County whose case was largely funded by the developer willing to devote enormous resources to secure our defeat is, in itself, amazing. That the judge unequivocally ordered that the bridge be removed is a major victory. However, that the laws and regulations that were skillfully crafted to preserve the irreplaceable legacy of Montana's lakes have been emphatically confirmed will probably be the most significant result of our efforts.

We hope that you will continue to help and support this effort in our recent victory. If you recently contributed to this effort, thank you! We will send you an acknowledgement soon.

Sincerely,

For the board of Directors of CANSC:

Dave Hadden, Co-Chair  
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Jeffrey Funk, Co-Chair  
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Mary Jo Naïve, Treasurer  
406-2506219

*If you would like to read Judge Allison's decision in its entirety, please go to:*  
<http://headwatersmontana.org/documents>.



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