

Living Word Bible Camp (LWBC) Update

We are pleased to announce a successful conclusion to litigation. LWBC's Commercial Planned Unit Development has finally been approved. Over the past 15 years more than 150 Deer Lake area residents have contested many aspects of the development. The Deer Lake Association is grateful for these extensive efforts to maintain Deer Lake and preserve her long established conservation areas.

Below are **just a few of the positive results** that were brought about by this intervention. If LWBC is true to their word as the County and Court have guaranteed, the following promises will be honored.

- **The project was reduced to 5 housing units**, each to house 30 people compared to their original plan, which was 5 housing units **plus** an additional 18 duplex housing units.
- **There will be no future expansion** because 97% of the property will remain undeveloped¹.
- **LWBC will avoid Kocemba Bay altogether**² as they stated in the Environmental Assessment and per their negotiations with the Department of Natural Resources (DNR).
- **LWBC will limit visits to Bear Island.** LWBC will adhere to DNR's suggestion of a maximum 10 persons with supervision to occur not more than twice per week.³
- **Limited boats.** Watercraft utilized by the staff, patrons and guests includes a maximum of 20 non-motorized boats such as kayaks, canoes, paddle boats and sailboats. Two motorized pontoon boats and two motorized fishing type open hulled boats shall be allowed. No watercraft of the following types shall be utilized by the owners, staff, patrons and guests of the camp: jet skis and ski boats.⁴

To see all 56 pages of LWBC's promised mitigations check out www.DeerLakeAssociation.org

The promised mitigations are used in place of required legal standards such as allowing LWBC to be a licensed commercial resort in a location that prohibits resorts and commercial land use, the court held that, ***"The intended adult uses at the camp do not amount to "recreational" uses and therefore do not meet the definition of "resort".***

Because the County advised that the project might cause significant environmental impacts if LWBC's mitigations don't occur as promised, it was expected that the mitigations would be made legally binding but the court affirmed Itasca County's decision, which relies heavily on LWBC's integrity.

The court's final ruling is "unpublished" and cannot be cited, which keeps it out of the public eye. There is active debate on the fairness issues of non-publication of rulings such that it ***"encourages expedient, not-careful consideration as the basis for judgment and constitutes an invitation to error, incompetence, corruption and tyranny."***⁵

¹ Over 97 percent of the LWBC property will remain in a natural, undeveloped state and 33.1 percent is already protected by a conservation easement with the Minnesota Land Trust. (Itasca EAW Declaration for LWBC, Record of Decision, Finding of Fact 33, p 44.)

² Kocemba Bay is an important spawning area for Muskellunge and other species. To protect this area, LWBC is committed to restrain from using this portion of the lake. (Itasca EAW Declaration for LWBC, Record of Decision, Finding of Fact 34, p 44.)

³ To minimize disturbance to wildlife and vegetation, the DNR suggested a maximum of 2 groups of approximately 10 persons with supervision per week. Since other Deer Lake islands are so small and potentially used by nesting birds, the DNR suggested tours from boats only... (EAW Declaration for LWBC, Record of Decision, p 10.)

⁴ LWBC Conditional Use Permit, #10, p. 17.

⁵ The Committee for the Rule of Law maintains that any rule restricting citation of, or which allows, secret, hidden, or unpublished opinions encourages expedient, not careful, consideration as the basis for judgment, and constitutes an invitation to error, incompetence, corruption and tyranny. (<http://www.nonpublication.com/>)