

This letter is to supplement my previously filed objection to the Holland Lake Expansion Proposal subsequent to the October 4, 2022 meeting in Seeley Lake. The only path forward with this debacle of an expansion project is for the USFS to affirm the HLL permit terminated.

The issue of transfer of the Holland Lake Lodge Special Use Permit (HLL Permit) arose at the October 4, 2022 meeting. The USFS personnel seem either woefully ignorant to the plain language requirements of that permit, or they are intentionally disregarding those requirements to pursue a favorable and biased outcome toward the owners of the improvements (e.g. HLL lodge buildings).

Accordingly, I request that the USFS personnel assigned to the expansion project (as a first step) review the terms of the HLL permit to gain an understanding of the HLL permit, and seek appropriate USFS/DOJ legal guidance to the term meanings if they do not understand the plain meaning of those terms.

Further, the HLL Permit is issued to Holland Lake Lodge, Inc. whose sole shareholder at the time of permit issuance was Christian Wohfiel. (Refer to the HLL Permit, and to the admission by Mr. Wohfiel in his public comments at the October 4, 2022 meeting).

Per HLL Permit, Paragraph I.H. , the permit is not assignable or transferable. The terms of the permit require that any transfer of title to the improvements covered by the permit (e.g., the HLL buildings) *“shall result in termination of the permit.”* HLL Permit, Paragraph I.I.2. The party who purchases the permit must submit a new application for a permit, and the USFS is not required to issue a permit. HLL Permit, Paragraph I.1.2.

The holder of the permit must notify USFS when a change in control of the business entity that holds the permit is contemplated. HLL Permit, Paragraph I.J.1. “Change in control” is not defined as majority ownership—as was discussed at the October 4 meeting. Rather the HLL Permit, defines “control” as a change in “interest” which allows a third party to exercise “managerial authority” over the actions/operations of a corporation. HLL Permit, Paragraph I.J. 1.

Under the HLL permit terms, any change in control “shall” result in the termination of the HLL Permit. HLL Permit, Paragraph I.J.2.

POWDR has signed off on most if not all of the proposed expansion documents. POWDR is listed as the contact for this proposed project. At the October 4 meeting, POWDR and Mr. Wohfiel admitted that POWDR has purchased an undisclosed amount of shares in Holland Lake Lodge, Inc.—these parties refused to state the percentage of ownership when directly asked by attendees, and the USFS project personnel appear to be inexplicably ignorant on this issue. POWDR’s communication’s director for this project also admitted that POWDR had held many meetings in Missoula recently on this project—the nature of those meetings was not disclosed.

By all appearances and actual operation, Holland Lake Lodge, Inc. has ceded control to POWDR such that a “change in control” has occurred. It would appear that the HLL Permit by its own terms is thus terminated. HLL Permit, Paragraph I.J.2.

Accordingly, the USFS must as an initial step to this project determine whether the HLL Permit even exists at this juncture. It likely does not given the change in control. If not, the request for

proposed expansion project is void, and POWDR/Holland Lake Lodge, Inc. should be required to apply for a permit with the USFS as a first step before applying to the USFS for this misguided expansion projects.

Best,
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