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Last name: Theriot

Organization:

Title:

Comments: October 7, 2022

Dear Supervisor Steele:

I am a community member of Save Holland Lake, an ad-hoc coalition of concerned citizens advocating for Holland Lake, surrounding ecosystem, our public land, and the safety of both wildlife and the visitors of this special place. I am requesting the USFS review their Forest Supervisor and related job descriptions, the USFS mission, purpose and values and compare the community comments, the Master Development Plan, and the special use permit for POWDR Corporation for the proposed Holland Lake Lodge expansion and improvements.

The group is asking the Flathead National Forest Service supervisor to:

*Deny a CE and complete a more detailed environmental impact statement (EIS)

*Ultimately deny the extensive project's special use permit for development on public land because it is not in the public interest and poses a risk to wildlife and the public.

I object to the Master Development Plan as it contains falsified information and poses a risk to both wildlife, conservation and to the community including USFS, first responders and visitors. Please crosswalk why the USFS exists in terms of the mission, motto, values, purpose, and your uniform and ask is your decision compatible with the MDP and known public records regarding POWDR Corporation's operational practices and their culture. I will not get into environment and wildlife as my colleagues have done an incredible job already and it is not my area of expertise. I will however outline known facts about the falsified information within the MDP and about public records regarding safety operations of POWDR Corporation so that if you decide to move forward you will do so KNOWING these facts associated with risk and safety.

I have twenty years of experience as an HR leader including supporting the NASA Shuttle retirement workforce plan, leading culture, talent strategy including mergers and acquisitions within several industries of which many were founded on creating competitive careers and capabilities with positive impacts to the local economy. The one lesson I have learned is culture is your brand, it is how you make decisions, and it is what you reward and most importantly what you ignore. We are counting on you to deliver on the USFS values as we look up to the uniform you wear and what it stands for.

The USFS Mission is to "Sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations" and the USFS MOTTO is "Caring for the Land and Serving People". Key duties that define why a Forest Supervisor exists include:

*Initiate and/or approve procurements or contracts to achieve desired results of an organization.

*Provide program oversight of comprehensive management programs, such as development, management and/or protection of resources, for an assigned location.

*Provide leadership in risk management and safety of personnel engaged in incident management and/or other program implementations.

As previously noted by Ms. Almquist the FS is not obligated to renew special use permits and may require improvements be removed when a permit expires. The purpose of the permit is to 'benefit the general public and protect public and natural resource values'. 36CFR§251.54 gives you the authority to reject this proposal in alignment to executing your duties and living up to the mission, motto, values and the USFS uniform we trust.

Please reflect and ask yourself does the decision to support this special use permit align to caring for the land and serving the people?

Does this decision reflect your duties and USFS values?

Are you making informed decision regarding conservation, risk management and safety?

A few decision support input points to reflect on:

1.) In the master development plan on page 33 section 7.4 it states, "according to management, over the last 17 years, there has NEVER been a GRIZZLY bear sighting at Holland Lake Lodge or on the Holland Falls Trail".

This is a falsified statement based on facts reported by James Jonkel, bear manager for region two and confirmation from Eric Wenum, FWP R1 Bear and Lion Specialist for State of Montana. Per Mr. Jonkel "Over the years we have had a lot of black bear conflicts at the Holland Lake lodge. And several grizzlies have gotten into garbage there in the past.. Lots of black bear and grizzly bear activity all through there and it's right in the middle of the grizzly bear conservation strategies grizzly bear Primary Conservation Area. So no, not a good addition, to the Swan Valley in regards to protecting bear habitat. Yes. I have responded to black bear conflicts there. And Tim Manley, (retired Wildlife and Parks' (FWP) Grizzly Bear Management Specialist for Northwest Montana) has responded to multiple grizzly bear issues at the Holland Lake lodge and Holland Lake area over the last 20 years." Furthermore Mr. Jonkel, spoke with Eric Wenum, (FWP R1 Bear and Lion Specialist at State of Montana), who confirmed "this summer they had a black bear breaking into cars at the lodge and grizzly getting into the dumpster at the lodge. And in years past they have had multiple issues with both black bears and grizzlies at the lodge dumpster as well as at all the other homesites along Holland Lake."

This is a statement by the current owner of Holland Lake Lodge made in a legal process used for USFS to make an informed decision, one that supports living the USFS mission and specifically conservation and safety.

2.) USFS value Safety in every way: physical, psychological, and social. POWDR Corporation asked us on October 4, 2022 to "come to trust them". This is a culture whose operational decisions have resulted in several OSHA citations categorized by OSHA as serious:

It is important to keep in mind these OSHA citations primarily centered around OSHA subpart:1926 Subpart M fall protection, Standard Number: 1926.501 and an employer's duty to duty to have fall protection, provide a training program for each employee who might be exposed to fall hazards as well enable each employee to recognize the hazards of falling and train each employee in the procedures to be followed in order to minimize these hazards (see attachment for OSHA screen shots of citations).

<https://www.osha.gov/laws-regs/regulations/standardnumber/1926/1926.501>

<https://www.osha.gov/laws-regs/regulations/standardnumber/1926/1926.503>

<https://www.osha.gov/laws-regs/regulations/standardnumber/1926/1926.602>

Additional citations included OSHA "rules that apply to the following types of earthmoving equipment: scrapers, loaders, crawler or wheel tractors, bulldozers, off-highway trucks, graders, agricultural and industrial tractors, and similar equipment. The promulgation of specific rules for compactors and rubber-tired "skid-steer" equipment is reserved pending consideration of standards currently being developed."

<https://www.osha.gov/laws-regs/regulations/standardnumber/1926/1926.602>

In August a \$49.5 million-dollar wrongful death of a 9 year-old boy was filed claiming operational negligence by POWDR Corporation at its ski resort, Mt Bachelor in Oregon. The lawsuit claims the boy was skiing with his parents and younger brother on Jan. 16, 2021. That afternoon the boy and his father rode the Summit Express lift to the summit, and according to the lawsuit, resort workers at the bottom of the lift said conditions were "good, with minimal ice build-up. However, when they got off the lift, "they encountered unexpected and severe ice conditions" - and before they could look for a compatible run, the 9-year-old "fell and started to slide down the mountain, gaining speed and impacting rocks and other obstacles." During the slide, the lawsuit states, the boy's skis, helmet and articles of clothing were ripped off as he "slid to the bottom of the run without stopping." He was

unable to survive the injuries and died late that night. The lawsuit claims the resort failed to train staff to monitor, inspect and report hazardous ice conditions on runs and areas leading to them, or to develop a systematic method to do so. It says the conditions were "not an inherent risk of skiing," and "the risks created by the icy conditions were neither obvious, expected, nor necessary." It further claims POWDR and its agents, were negligent and failed to protect the boy from injury and death by failing to adequately perform their duties as a possessor of land, and creating the dangerous conditions that were not an inherent risk of skiing, and were not reasonably obvious,

I understand this lawsuit is pending however, POWDR executives told us Tuesday October 4, 2022 that they had no lawsuits. Additionally, what is very concerning is that these allegations of wrongful death of a child due to alleged operational safety negligence come a little over a year after POWDR Corporation was issued several OSHA serious citations regarding falls, and training employees amongst other safety violations. Your job is to make informed risk management decisions to ensure safety of our community. We heard from a first responder on October 4th at the public meeting concerns regarding the ability support increased risk with current resources additionally the road alone is one way and difficult to drive in the winter.

I am also concerned about the integrity of the promise of economic development. While we can appreciate section 2.2 on economic development a workforce plan isn't provided for the twenty-five jobs stated. In reviewing POWDR handbook it states a 401(k) plan is offered but there is no match from the employer. Additionally, most employee reviews on salary.com and Glassdoor allege pay is not competitive and is low for service employees. Salary.com states the average pay is \$14.42 for service positions. I understand this may not be current or accurate but without a workforce or staffing plan this is the best we can do to understand what is meant by economic development. This alone would make a premiums and 401 (k) salary deferrals difficult to contribute towards and without an employer match it raises the question, are these really good jobs with competitive pay and benefits? Montana is the only state in US that is not at will. What is their retention record? How do they train employees for success as this is critical in a state that is not at will? Again, a staffing plan related to economic development should have been provided to support a claim of benefit.

It is not within your duties to provide POWDR Corporation, a mega-corporation that has a documented history of operational negligence, a solution to the current owners' challenges at the risk of community safety, conservation and trusting the USFS uniform. It is your duty to follow the rules and ensure an ethical and accurate process while protecting public lands and resources, and ensuring accountability of the accuracy of the information within the MDP and overall proper due diligence.

You wear the uniform that my son hopes to wear someday. You are a hero to him. We are relying on you to make decisions that reflect the USFS culture and care for the land and serve people.

Sincerely, Vandi and Jason Theriot