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Organization:

Title:

Comments: Comments/questions to USFS on Holland Lake Lodge Proposed Expansion

Public meeting

10/4/22

Seeley Lake, MT

10/7/22

Electronic submission of follow up comments

Mark O'Keefe

Helena, MT

October 7, 2022

United States Forest Service

?Swan Lake Ranger? District

Attn: Shellie Mavor (Holland Lake Lodge) 200 Ranger Station Road Bigfork, Montana 59911

Re: 1950 (0110): Proposed Holland Lake Lodge Facility Expansion

Submitted electronically via: <https://cara.fs2c.usda.gov/Public/ReadingRoom?project=61746>

?To: Flathead National Forest Supervisor Kurtis Steele, Shellie Mayor & Staff

Dear Kurt & Shellie,

My comment submission today follows an abbreviated presentation to the USFS/Powdr personnel present at the 10/04/22 evening public meeting in Seeley Lake. For purposes of brevity and clarity I have provided questions under two headings and comments under one. Your responses to the questions may help the public understand your process and hopefully explain what the Forest Service expects to occur should this proposed expansion at Holland Lake be permitted.

Question 1."Can it be done on private land?"

Over the last 40 plus years working with the forest service and discussing various recreational projects, commercial permits, potential forest improvements and/or scientific research logistics I have been asked this question repeatedly and immediately. The query is always asked by the Forest Service whenever I/we have met with them about any new proposed operation/ logistics envisioned on FS lands. This question was described to me as "seminal" for activities on public land by a FS employee who I discussed it with at the early "comment" meeting at Holland Lake Lodge in September. If the answer to "can it be done on private land?" is yes, the Forest Service response is routinely "then it should be done on private land".

A.Has this question been asked to the applicants?

B.If it wasn't asked, please explain why.

C. How was it answered by the proposed development's applicants? What evidence was used in the decision (implied by this process) to not reject the proposal for this large scale commercial development on public land.

D. How would the approval of the development proposal increase the likelihood of reduced public access to Holland Lake area public lands?

E. If this development is approved, under what provisions of the permit would the permittee be required to modify operations in the face of public complaints about reduced access to our lands? How would the USFS investigate such complaints and what remedies would be available?

F. Would the Forest Service Permit include provisions that ensure full public access to public land for members of the public? In the estimation of the USFS will the proposed development result in any barriers to full public access to land currently accessible to the general public?

G. Public recreation within the historical high water mark of recreational waters in Montana is legal under the MT Code Annotated TITLE 23, CHAPTER 2, PART 3. Would a permit issued to applicants clearly advise permittees of the public's legal right to recreate on the bank and within the high water mark of Holland Lake?

H. If the project fails financially will the permittees be responsible to reclaim lands utilized for building sights and/or mitigate environmental damages? Will the permittees be required to post bonds to insure reclamation in such a situation? Who would be responsible for approving, supervising and paying for such mitigation?

Question #2. "Follow the Money?"

As a concessionaire in Glacier National Park, I/we have provided self propelled recreation opportunities to visitors under a license issued by Glacier National Park (GNP) the National Park Service (NPS) and the US Department of the Interior (DOI). Our permit is reissued after competitive bids/proposals are solicited by NPS every 10 years. We have been repeatedly renewed as concessionaires because we perform as promised and provide services that are above and beyond the expectations negotiated in our operating contracts. 2022 marked our 40th season of providing these services to thousands of visitors every season.

Our operation has grown from 3 employees to 120 plus. We constructed and operate a lodge (12 rooms), a commercial kitchen, a 300,000 sq. ft. vehicle maintenance facility, 2 VRBO rentals, a "gift" shop with connected office space, an employee bath and bunk facility, and a former commercial campground now converted to employee "housing". Our guest services include a rafting operation, a backpacking and day hiking program, guided bicycle road touring trips before and after road openings/ closures in the park, transportation to and from activities, recreational equipment rentals and guided fishing trips utilizing licensed fishing guides on our Montana Outfitter License.

We consider ourselves partners with Glacier National Park. We operate our business from private lands located outside the boundaries of the public land that constitutes GNP. When we enter GNP we do so to lead visitors who have paid their Park fees to the USNPS and either hike, bike and/or camp within the 1.1 million acres available to the public. We pay the DOI 7% of collected revenue from our clients for USNPS use. We pay the USFS 3% of collected revenue for all commercial rafting clients.

The cost of our services in Glacier Park is dictated by the NPS and GNP. As the sole provider of self propelled recreation services we are in fact a monopoly within the park. As such, we recognize the need for Glacier Park officials to protect visitors from predatory pricing from any concessionaire's attempt to charge fees that gouge the public. We present our costs to the NPS, they confirm them and a reasonable profit margin is agreed upon before next seasons rates are set by Glacier Park staff. Such a process should be attached to this proposed permit, if issued, to protect the public from a permittee who reduces public land access via construction and has a monopolistic commercial operation. The loss of public land is bad enough... the possibility of price gouging at Holland Lake MUST be guarded against,

A. What specifically will the public be charged to experience (lodging, dining, recreational guiding, rentals, transportation, parking, etc) Holland Lake on the permitted lands? How will the costs to visitors be set by the permittees and regulated by the USFS? Who will devise the economic parameters needed to insure the permittee maintains a "price point" that does not exclude a majority of the public from utilizing these private facilities on public land?

B. Understandably, the permittees will want to recoup their investment on infrastructure if the development is allowed. They will also likely pursue profit on their investment. What financial terms/limits can the USFS set on the operators to protect the general public from pricing decisions that economically discriminate against local residents?

C. What other fees/financial provisions in any final permit can be included to protect taxpayers from paying for this development?

D. Where will funds collected from this development be transferred to within the USFS and how will it be allocated once received by the USFS and or the Department of Agriculture (district, forest, region, national)? Will Holland Lake see additional funding for increased management activities needed as a result of this proposed development?

E. What are the expected cost and revenue projections for the proposed development and operation of this proposal? What provisions will be included in the permit to ensure financial compliance with changing economic conditions at Holland Lake and/or an annual loss of revenue by the permit holders?

F. Granting a permit for this development will create a monopolistic economic situation at Holland Lake for visitors. Will the existence of the proposed development result in a USFS "unofficial endorsement" of Powdr's operation? Will other applicants for permits to provide food, lodging, recreational opportunities etc be encouraged and welcomed at Holland Lake to provide visitor choice thus further exasperating the negative impacts of granting this permit?

G. Has the USFS considered setting and controlling the fees that can be charged by the permittees for their services?

H. What is the economic value of the associated potential loss of wildlife habitat, public access, solitude, wilderness character acceptable with this project?

I. What are the taxpayer's costs associated with the application process for this proposed permit to the USFS. What will the cost be in the future on an annual basis? Can these costs be consistently recouped from the applicants and returned to the taxpayers?

J. What specific recreational activities do the applicants plan to provide to Holland Lake lodge visitors? Will these activities be available for purchase by ALL visitors at Holland Lake? What recreation activities would be excluded by the USFS on public waters/lands?

#### Comment

Trust, Transparency, Right to Know - Montana ethic and Constitution

I know that Federal agencies are not bound by Montana laws pertinent to public review and comment periods when considering actions that may be considered "urgent". The claimed urgency of this proposed development and the "rush" to avoid a healthy discussion with the public that extends beyond the offices of the USFS, the current permit holders and the applicants seems to me to be suspect however.

From my experience on the Montana Land Board as a constitutional member managing 5.2-million multiple use acres over 8 years for the benefit of our public schools, my time as a legislator representing the public who

elected me, as well as my experience as a 9 year board member for Glacier National Park's private non profit partner in conservation and fund raising, I would make one suggestion; Open the door wide on information and process or someone's bound to come in through a window.

In Montana we take public decision making very seriously.

From our codes: Montana Code Annotated 2-3-201. Legislative intent "The legislature finds and declares that public boards, commissions, councils, and other public agencies in this state exist to aid in the conduct of the peoples' business. It is the intent of this part that actions and deliberations of all public agencies shall be conducted openly. The people of the state do not wish to abdicate their sovereignty to the agencies which serve them. Toward these ends, the provisions of the part shall be liberally construed."

My advice: Open the door on information and process or someone's bound to come in through a window.

The Montana CONSTITUTION is clear on public participation in decision making processes as well:

Montana's open meeting and public participation laws are based on two fundamental rights contained in our Constitution. Article II, Section 9 contains a strong right to know provision:

Right to know. No person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies or agencies of state government and its subdivisions, except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure.

Article II, Section 8 guarantees the right of public participation:

Right of participation. The public has the right to expect governmental agencies to afford such reasonable opportunity for citizen participation in the operation of the agencies prior to the final decision as may be provided by law.

While neither Montana's codes nor Constitution specifically bind your process... COMMON SENSE should!!!

A reasonable period to allow the public to examine the details and to present their concerns will show your sincerity about trying to make Holland Lake a BETTER place for both Montanas and business developers.

Holland Lake is OUR PUBLIC LAND, and the Forest Service works for us - the American people.

They're your employers - and you work for them. Your job is managing this fragile landscape where they live, work, recreate and that they love. They are passionate about protecting all the exquisite things about Holland Lake. You should be as well.

Sincerely,

Mark O'Keefe  
Helena, MT