

John V. Howard, Chairman
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Colorado Parks and Wildlife Commission
Colorado Parks and Wildlife
1313 Sherman St, 6th Floor
Denver, CO 80203

October 31, 2018

Dear Chairman John Howard and Colorado Parks and Wildlife Commission members,
We respectfully offer this letter of “views or arguments” to your Commission’s monthly meeting to be held Nov. 15/16, which we plan to attend to add fidelity to our input. I lead a group of participants in snowsports who are dedicated to creating a better, and most importantly safer, snowsports environment.

Recently we interviewed multiple organizations associated with Enforcement of the Ski Safety Act. From those interviews we have deduced that an Enforcement Gap exists which compromises Public Safety. We are concerned, and seek to both illuminate the matter and catalyze advancements. The following attachments provide some highlights of our findings.

Summary of Concerns

We observe Law Enforcement indicating largely (80%) that they are not present on ski slopes. CPW points to USFS as having duty, USFS points to ski areas, and ski areas say ‘not our job - we are not law officers’. And they are right. They also say ‘no problems needing enforcement efforts’ -but there they are wrong! So this leaves us, our children, and our grandchildren inadequately Served and Protected on ski slopes. Bottom line as we see it - there is an **Enforcement Gap** which compromises Public Safety. And potentially undermines the vitality of the industry in Colorado.

Suggestion for Consideration

As the matter of Ski Safety Act enforcement involves multiple agencies as indicated above, we suggest a ‘Summit Conference’ involving all agencies, and more specifically these folks:

- CPW; Bob Broscheid and John V. Howard
- USFS; Brian Ferebee Regional Forester, and/or USDA representative
- Chris Johnson, Director of CSOC, plus a Colorado Police Dept Association equivalent
- Dr Dan Gregorie President/Founder of the Snow Sports Safety Foundation.
- A Ski Industry Rep and Colorado LCB Rep TBD

The Summit Conference would address, in ‘Time of the Essence’ fashion, joint cooperation and actions to close the **Enforcement Gap** including, prospectively, an MOU to formalize and activate advancements. We believe with the Enforcement Gap closed, and better ‘Serve and Protect’ activity on-slope, that a safer more Family Friendly experience will be possible which in turn will advance/sustain participation and potentially grow the sport, leading to stronger economic vitality for Colorado.

Sincerely yours.



Randy White, PE Retired PSIA member
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Attachments

Randy White Summary Bio Ski Safety Advocates

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I am 68 years old, married and a resident of Montrose Colorado for the past ten years. I'm a retired professional engineer having worked in both mechanical engineering and project management and most lately as a Lean Six Sigma Master Black Belt and Deployment Champion before my retirement in 2008. Since my retirement I enlarged my 56 years of ski experience by teaching skiing for Telluride part time (retired now), am PSIA level 1, and served in a number of volunteer endeavors including:

- A Senior Partner in the Montrose partners program (like big brothers) for five years, with Tyler Walker
- A board member on the Montrose Cobblecreek design review committee DRC, for 4 years
- A member - social steering committee for Cobblecreek , for 3 years
- I am a donor to a number of local charities, and an active community member.
- I am an Advisor to SSF Snow Sports Safety Foundation a National Non-Profit devoted to advancing Safety

My professional employment with several "fortune 50" companies has both provided insight to very rigorous Safety & Loss Prevention cultures and superb professional development. Those influences included extensive on-the-job training, mentoring, professional coaching. I led scores of advancement workshops. Relationships with senior leadership were a routine and vital part of work. Those relationships were successful and fruitful.

I know the difference between average, good and great. And have helped enterprises move from good to great.

2010 in February I was involved in an on-hill ski accident in a Terrain Park while at work in Telluride. I suffered an open book fractured pelvis and had to be air-lifted to Grand Junction and then on to Denver for surgery. I had a three-month recuperation and have recovered fully from that injury. Thank the Lord, Dr. Nimesh Patel, Telluride Medical Center and many supporters. I returned to Ski work the following November 2010.

My work teaching skiing at Telluride was motivated not by money, but by love of both the sport and helping others to learn. I am currently retired from that work and lead multiple projects to advance Safety on the slopes. I bring a view from the inside to the table, unencumbered by 'domain scotomas'.

I often prepared coaching videos during my teaching assignments and clients and families have found them very beneficial. See the following links: YouTube [Channel](#) Randy White intro [video](#) Sample of Advocacy [Video](#)

I sincerely hope this provides a useful background, and can count of your partnering to make the snow sports world a safer, better place.



Founder Ski Safety Advocates CONFIDENTIAL Group

Key [Video](#) for Impact ...the real story

See www.snowsportsafety.org for SSF. See GPASS.CA for our Public Face

Ski Safety Advocates ...who we are on One Page

We are a Confidential Membership Group, that requires a vetting process for entry. Included are retired and employed ski professionals, Ski Instructors, lawyers, expert witness professionals, doctors, professors, ski incident investigators, authors, Safety Management professionals, parents, and grand parents. Members are domiciled in all parts of America, but mostly in Ski Country.

We collaborate on-line via shared posts, messages and emails. We meet in person on occasion, over telephone and Face Times. We post to popular Face Book Ski Groups. We conduct communications via videos that we commission, and author. We collaborate with Ski Bloggers.

We are bold and determined. Many of us are senior citizens, having accomplished a stage of financial independence, that enables us to 'speak freely' and not be encumbered by 'domain incumbency'.

Some of us are currently employed, and thus the Confidential Membership Group. We have learned by experience and witnessing, that the Ski Industry employers fear us and those like us, and will fire us if we reveal our identity. Some members are not active on Face Book as they are that concerned about their privacy.

Most of us continue to ski and love the sport. Some have been impaired via on-slope hit and run collision injuries, and are unable to enjoy the sport any longer. Some have moved from Ski Country.

We Believe In the fundamental Goodness of our fellow man, hope that when we collaborate effectively, and conduct ourselves favorably that, good will prevail and a Better Snowsports Environment will result, keeping our Children, Grandchildren & Friends Safer. While enjoying the Sport We all Love.

Ski Safety Advocates and Grandparents for Snow sports Safety GPASS.ca is dedicated to the advancement of Safer Skiing and Snowboarding. Our Team of Ski Professionals believe that Snow Sports Safety is a shared partnership proposition. Shared by the Patrons; families and individuals who enjoy the sport, BUT also by the Ski Area companies and industry trade groups that provide the environment where we enjoy our sport. The Industry has done a good job of generating patron education on the duty to act well on the slope to protect themselves and others. The Industry can do better to provide a Safer environment on their ski areas where we enjoy our sport.

Through direct Industry collaboration and indirectly by influence from the Patrons towards the Industry, we will facilitate advancements.

GPASS GOALS: • Improve public knowledge of both sides of the Snow Sports Safety partnership • Facilitate identification and development of technology and methods to reduce on slope recklessness • Generate Safety Report Cards for all USA Ski regions and share to the patrons, enabling them to make better informed choices of where to bring their families to ski and snowboard safely.

On Behalf of the Group



Randy White Founder

[Cover Letter](#)

ATTACHMENT 1 Highlights of Interviews and Research

We greatly appreciate the following:

- CPW's Assistant Director of Law Enforcement and Public Safety Heather Dugan offered frank, professional and authentic communication.
 - Her email of August 22 2018 was clear and unequivocal saying, "Under 16-2.5-116 and 16-2.5-117, Colorado Parks and Wildlife officers have the authority to enforce all laws in the State of Colorado, as most other classification of Colorado peace officers do. So, while CPW officers could enforce the provisions of Article 44, they generally do not. CPW does not have an agreement with any municipal or county law enforcement agency to enforce Article 44."
 - In an interview September 13, Heather stated, "We rely/assume that ski areas, developed and run [OPERATED] by private corporations even though they are on USFS land, that they actually work with their respective counties to do any law enforcement that is needed."

Heather [REDACTED] is engaged personally in snow sports, so she knows first-hand about the sport.

- We had open conversations with officials from 3 progressive Colorado sheriff/police jurisdictions, and many others.
 - On October 23, those 3 officials shared details of their enforcement practices which included on-slope enforcement in a highly engaged and proximate manner "To Serve and Protect."
 - We also especially appreciated the authentic response from the majority of jurisdictions and energetic disposition the sheriff and police have for public protection.
 - Sheriff James Van Beek, Eagle CO has offered to possibly host a break-out session on enforcement practices at the next CSOC event in fall of 2019, to share with other jurisdictions having ski areas. Sheriff Van Beek instituted the current Vail & Beaver Creek program years ago and together with the ski areas has nurtured advancements at twice annual review conferences.
- Our exchanges via email communication and interviews, with the USFS, particularly with Program Manager Don Dressler and Director of Recreation Lands and Minerals E. Lynn Burkett, on several occasions this past summer were professional, sincere and engaging.
- Our exchange with Director Chris Johnson of County Sheriffs of Colorado CSOC in regards to our survey of Sheriffs Enforcement Practices of the Colorado Ski Safety Act was open and authentic.
 - Chris was encouraging and reflected positive sentiments about our efforts saying Sept 6, "I am learning with every word you speak." And Sept 21; "I do believe this is something that you can accomplish with the sixteen counties that have ski resorts. I am glad that you are getting a good response from the sheriffs"
 - Chris also shared some comments about the observations of a former Summit County Sheriff in regards to reports of marijuana consumption in limos going to the ski slopes.

We identified multiple concerns:

- **Colorado Parks and Wildlife does not actively enforce the Ski Safety Act and defers to the USFS.**
 - While CPW has the ability to formally engage local law enforcement to serve and protect (33-10-107) in matters of the Ski Safety Act, they do not exercise these. Instead, (as indicated on September 13), “As you are aware [ski areas] are on USFS land so it would be better for the USFS to have an agreement to that effect, with the local jurisdiction.”
 - An earlier interview with a CPW Investigator identified that “to my knowledge our officers, like I haven’t heard of any, going up and actually enforcing, part of article 44 in recent history.”
- **The USFS has deferred the enforcement of the Ski Safety Act to ski areas.**
 - The USFS (E. Lynn Burkett Director of Recreation Lands and Minerals) stated Sept 25, “We understand and appreciate your concerns. I believe that your issue lies with the ski industry and the standards that they create. Regardless, I will bring this to the attention of the Forest Supervisors, although I do not think they have any say in ski industry standards.”
 - Ski areas operate under both long term contracts called Special Use Permits and Annual Operating Plans, which are refreshed each year via a review/approval process between ski areas and the USFS. These are essentially contracts between the USFS/USDA and private entities for use of American’s lands, our lands. They do not confer quasi-private land rights to ski areas, those lands remain public. The Special Use Permits require Annual Operating Plans to specifically address the subject of Safety and Investigations, among others. A vehicle for change is available via these contracts.
- **Colorado sheriff and police involvement is both limited and variable.**
 - While there are several Colorado sheriff and police jurisdictions well engaged on five ski slopes, there are 21 (80%) that are not on slopes for various reasons. All jurisdictions will naturally answer to reports and respond in cases of law breaking. However as demonstrated by an [incident](#) at Copper Mountain this April, responding, and being on slope to Enforce generate very different outcomes.
 - A major law enforcement jurisdiction with two ski areas, had no knowledge of the ski safety act, and that it was thereby illegal to be impaired on-slope. Aug 6; “No, because there is nothing illegal...what would we cite them for... unaware of any laws that would govern that”.
 - The two largest jurisdictions refused to be interviewed or even reply to a simple three question survey: one stating “I am denying your request for information regarding the safety of the public engaged in snow sports” and the other “... ██████████ Sheriff’s Office respectfully declines your invitation to be interviewed on this topic.” And later “I have passed your 3 questions to the Sheriff and he respectfully declines to comment.”
- **Ski area standards are a concern and range from simple to complex and large in scale. These examples characterize behaviors and are not mere isolated occurrences.**
 - The ski areas receive a liability limitation via the Ski Safety act. That makes possible economic vitality/survivability for the industry, but at the same time removes the financial incentive to make their slopes and sport safer. Ski areas are legally protected from their own negligence, in all cases except tramway matters. In addition, the waivers

of liability required to be signed by patrons, further protects the areas from their own negligence and bad choices of their patrons. Those are universal in the ski business.

- In an incident at a Copper Mountain event last April, there was a potentially deadly [incident](#) involving intoxication. Had Enforcement been on the slope, injuries would have been prevented as inebriated participants would not have been allowed to participate.
- During an interview, one sheriff jurisdiction confided that “my friends on the yellow jacket safety patrol, have been coached by ski area ownership to go easy on reckless offenders”.
 - At the same ski area, a Ski Safety Advocates associate filed an OSHA complaint after a January 30, 2018 incident involving the ski area [Owner](#). The Owner skied recklessly fast and close and nearly took out the associate and their ski school clients. “His actions put employees and guests in danger.”

- **The use of alcohol and marijuana, causing impairment, on the hill.**

- Alcohol: All resort style ski areas have mountain top and mid-mountain bars serving alcohol that open early in the day and remain open nearly until lifts close. All patrons leaving those bars must ski down the mountain, and those who are tipsy or drunk violate Title 33 Art 44 109 Sections 9 regarding impairment on slope and potentially Section 10 collisions. In comparison, the alcohol practice at Broncos games entails third quarter ‘last call’ to reduce prospects for impaired driving after games, and CSU Football has similar consumption limitation practices at games. In conversations with Tony Marsh Colorado LCB officer, those upslope bars are not monitored and present a challenge for policing of overserving.
- Marijuana: An almost universal ski industry mantra is that. “it’s illegal to use marijuana on USFS Lands at ski areas,” and that marijuana use is not a problem. Many who participate in snowsports know that, while illegal on federal property, marijuana use on the slopes is common, particularly with those coming to ski from states in which recreational marijuana is not yet legal. Marijuana edibles make it easy to consume undetected while riding the lift between runs. Visible prohibition notifications at areas are absent, as are any prominent (they bury them 3-6 clicks from home pages) indications on their websites. Emails inquiring about the subject do, in some cases, receive ski area responses indicating ‘marijuana use is illegal on slopes’. However, interviews with dispensaries at ski towns reveals a different perspective. Edibles and vape delivery are popular and undetectable on ski slopes. “About half the vape users are loaded with THC and not tobacco”. Emergency medical centers at ski areas have treated cases of unwary visitors over indulging with edibles. See this [Link](#) from Snowboarder Mag.com, regarding marijuana use on chairlifts -includes interviews with names.

SUMMARY OF CONCERNS

Our survey revealed that law enforcement largely (80%) indicated that they are uninvited and inadequately staffed/funded to be present on slope. CPW pointed the responsibility for enforcement towards USFS, USFS pointed towards the ski areas. The ski areas said that they are not law officers and that it is therefore 'not our job. And they are right. "This leaves the "guests" of the ski areas- ourselves, our children and grandchildren - inadequately protected from the negligence of both ski areas and its guests. We, snowsporters therefore fall into an "Enforcement Gap" inadequately Served and Protected.

WE SUGGEST:

As the structure of Ski Safety Act enforcement involves multiple agencies as indicated above, and there are multiple issues to be addressed, we suggest a Summit Conference involving all agencies, specifically including:

- CPW Bob Broscheid and John V. Howard
- USFS Brian Ferebee and/or USDA representative
- Chris Johnson Director of CSOC, plus a Colorado Police Dept Association equivalent
- Dr Dan Gregorie Founder/President of the Snow Sports Safety Foundation SSF
- A Ski Industry Rep and Colorado LCB TBD

The Summit Conference would address in a "time is of the essence" fashion, joint cooperation and actions to close the "Enforcement Gap". That would include an MOU to formalize and activate advancements. We believe with the Enforcement Gap closed, and better 'serve and protect' activity on-slope, that a safer more family friendly experience will be possible which in turn will advance/sustain participation and grow the sport leading to stronger economic vitality for Colorado.

REFLECTIONS

In general, we have observed stated values and for the most part, actions of the many organizations surveyed, to be sound and ethically founded. While every organization expressed a desire to see snowsport safety improve, few were willing to step forward and use the enforcement tools at their disposal to obtain that common goal. We encourage stepping forward.

We welcome the opportunity to participate in a Summit Conference and to assist with the process in any way needed. The times have changed, and yet the law and enforcement practices have not kept up. Time is now to proactively prevent not only the many preventable life changing incidents, but the too often resulting deaths, and to bring safety back to our slopes. We believe that action to advance the ski industry into a more family friendly zone of experience will ultimately return the business to a favorable trajectory, and bolster Colorado economic vitality.

ATTACHMENTS 2 Perspective

For Context

Skier visits in Colorado were at 12.8 million visits 17/18 season (a poor year), and comparatively, the data from the CP&W website indicates 12.8 M visit* to State Parks. So the patronage volume is similar. In spite of that comparative balance, the predominance of CPWs focus appears to be on the subjects of Wildlife, State Parks, Game and GOCO, all admirable and worthy. But those visiting skiers deserve to be protected. The FY 16/17 data for CPW is "886.5 FTEs and \$140,722,456 Budget

From the CPW 2018 Fact Sheet

"GOAL : Increase state park visits. In June 2017, Colorado Parks and Wildlife counted 14.8 million vehicle visits to Colorado's state parks over the previous 12 months. This was a nearly 10% increase over the prior fiscal year. Based on the last five years, CPW expects 12.8 million state park visitors in FY 2017-18."

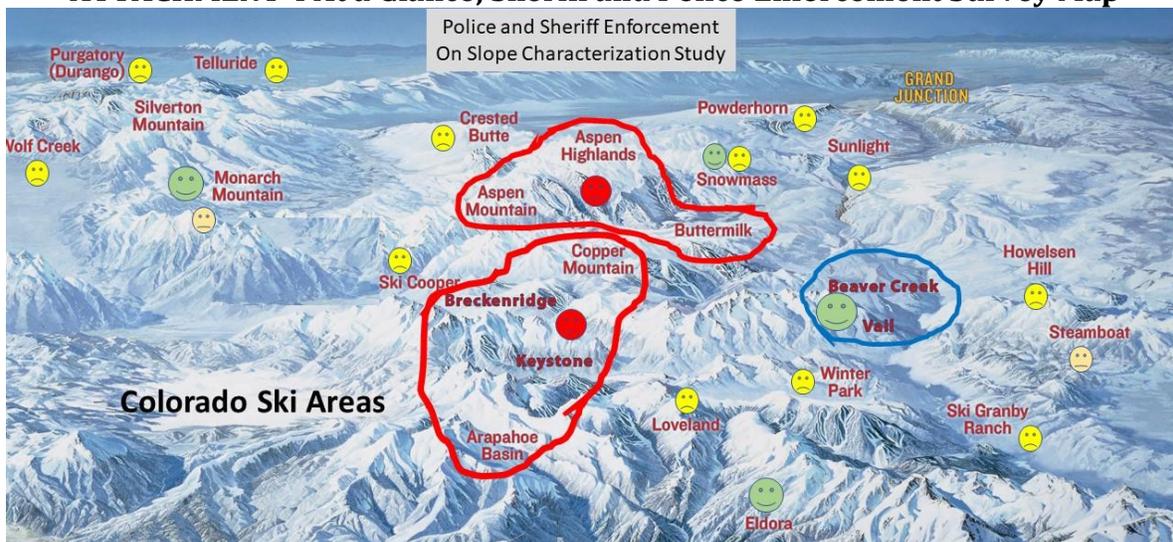
ATTACHMENT 3 Perspective

This photo is offered to add some perspective. While we understand and share esteem for a



collaboration, we also value and believe the Public values a 'checks and balances' approach to public/private partnerships. It has long been recognized that the Ski Areas and USFS share an 'entwined relationship'.

ATTACHMENT 4 At a Glance, Sheriff and Police Enforcement Survey Map



Legend: Active on Slope (green smiley face) Casual on slope (yellow smiley face) Not on slope (yellow smiley face with closed mouth) No response (red circle)

ATTACHMENT 5 Ski Safety Advocates [Who We](#) are on One Page

[ATTACHMENT 6 Randy White Bio](#)

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Red Bull/Woodward reps Copper Mtn Spring event makers/sponsors (via Dr Dan Gregorie of SSF)

Press: Confidential 

Commander Gene Lillard, Montrose Police Dept

Kelli and Chauncy Johnson Family ...To Be Confirmed

National Ski Areas Association NSAA Earl Saline Director of Education and Kelly Pawlak President (via Dr Dan Gregorie of SSF)

[Dr Dan Gregorie](#) President and Founder Snow Sports Safety Foundation

Governor Candidate Jared Polis

Chris Johnson CSOC, Sheriff Van Beek, Brian Olson, Randy Wilber + Tony Marsh Colorado LCB officer