

Exhibit 4

**Berlaimont Estates Access Route EIS –
Public Scoping, Comments, Nov. 7, 2016**

November 7, 2016

Re: Berlaimont Estates Access Route EIS – Public Scoping

Dear Mr. Fitzwilliams,

Berlaimont Estates, LLC (BE) appreciates the opportunity to submit comments on the scoping of the Berlaimont Estates Access Route EIS, for which the Forest Service (USFS) published an NOI on September 23, 2016. We commend the USFS for the public outreach it has conducted to date and ask that you continue to proceed diligently through the NEPA process in accordance with the timeline incorporated into the Cost Recovery Agreement. BE's comments below provide clarity regarding USFS' obligations under the Alaska National Interest Lands Conservation Act (ANILCA), support for BE's proposed access route, and encouragement to continue your work of stakeholder engagement (particularly with regard to the mitigation of any impacts on wildlife and recreation).

In the over 8 years since BE first requested access to its 680-acre inholding in Eagle County (the Property), USFS has conducted robust public outreach. During this time, USFS has initiated three scoping processes, held public meetings, collected numerous public comments, and conducted field work to understand the potential impacts of an access route. In addition, at your suggestion, we have already completed a separate public process with Eagle County to obtain approval of our proposed access route. This was a multi-year endeavor that included numerous public meetings, community involvement, and significant stakeholder outreach by BE. As you know, BE received approval from Eagle County in January 2014.

Throughout these processes, we have engaged in sincere and cooperative efforts to address the concerns of USFS, Eagle County, and stakeholders, including concerns about local authorizations, public safety, recreation, and environmental considerations. Given the length of time since BE's initial application in 2008 and the extensive opportunities for public involvement to date, we urge USFS to continue moving forward with the NEPA process. This process serves as a valuable tool that allows for continued public participation and facilitates USFS' critical data gathering, analysis, and comparative decision-making procedures.

Adequate Access

Under ANILCA, the Secretary of Agriculture "shall provide such access to non-federally owned land within the boundaries of the National Forest System as the Secretary deems adequate to secure to the owner the reasonable use and enjoyment thereof." 16 U.S.C. § 3210(a). Accordingly, BE has a statutory right to obtain adequate access to its private property. Importantly, adequate access means "a route and method of access to non-Federal land that provides for reasonable use and enjoyment of the non-Federal land consistent with similarly situated non-Federal land that minimizes damage or disturbance to National Forest System Lands and resources." 36 C.F.R. § 251.111. Adequate access requires more than "any" access;

it means access that facilitates BE's reasonable use and enjoyment of the Property and ensures the safety and security of the public.

BE's proposal to develop 19 homes on 680 acres of private land is a reasonable, use-by-right of the Property. To determine whether a proposed use is reasonable, the regulations require USFS to consider "contemporaneous uses made of similarly situated lands in the area and any other relevant criteria." 36 C.F.R. § 251.114(a). When looking at "similarly situated lands in the area," the most obvious candidates for comparison are the several other nearby private parcels located in the same valley as BE's property. BE's proposed ultra-low density residential development of 19 homes spread over 680 acres—with each individual home constructed on a parcel of land larger than 35 acres—would be by far the least dense residential development of similarly situated properties in the surrounding area. Indeed, several nearby developments consist of hundreds of units on lots averaging less than one acre each.

The reasonableness of both BE's use of the Property and its proposed access route is supported at both a State and local level. Colorado state law exempts parcels of 35 acres or more from subdivision regulations, demonstrating that the State considers residential developments on more than 35 acres to constitute a reasonable use. In addition, the variance granted by Eagle County in January 2014 approves BE's proposed access route. Eagle County approved the proposed road "considering the health, safety, and welfare of persons affected, and the adverse impact of the lands affected."

Adequate access must also ensure the safety and security of the public. BE has identified what we believe to be the safest access route to its property, which the Eagle River Fire Protection District has endorsed and which is consistent with the Wildfire Plan reviewed and accepted by Eagle County. USFS should consider the extensive work that Eagle County has already done in analyzing the proposed route and determining that the route provides for the safety and security of the public.

Your determination of what access is adequate is property-specific and should take into careful consideration the specific location, entitlements, availability of existing USFS roads, local topography, and impacts of various alternatives. BE has a use-by-right under state law for an ultra-low density residential development that homeowners will use year-round, not just seasonally. In this context, "adequate" access means a route that will allow homeowners, their invitees, and emergency personnel safe access to the developed portion of the property any time of year. Given the realities of snowfall in the area, only a paved road could be maintained and kept passable in all seasons.

Most importantly, adequate access is access that provides actual, legal access to the Property in a manner that allows BE to exercise its entitlements. BE's proposed route is the only route approved by Eagle County and, accordingly, is the only legally available and currently feasible access adequate to facilitate reasonable use of the Property.

BE's Proposed Route is Superior to USFS' Proposed Route

BE identified its proposed route after considerable analysis of potential alternatives. As part of this analysis, we considered and eliminated several other routes that would have had greater

environmental impact or that required approval from private property owners who were not willing to allow access.

USFS' proposed route likely would result in environmental impacts that would be avoided through BE's proposed route. The USFS proposal would provide access only to the southeast corner of the Property. This would require BE to construct a road up the southeast leg of the Property, which is surrounded by and includes exceptionally steep terrain (in excess of 25% with some areas exceeding 50% grades). The road up the southeast leg of the Property would require numerous switchbacks, cut and fill, large retaining walls, and extensive guard rails. Construction would entail blasting and similarly invasive techniques.

The resulting environmental and visual impacts would be more significant than those resulting from BE's proposed route. The switchback road on the southeast portion of the Property would be visible from many vantage points in the valley. By comparison, BE's proposed route avoids the need for a visible, switchback road, instead utilizing a route that more closely follows the natural contours of the land and is largely "hidden" from view by the existing topography.

Impacts to wildlife from USFS' proposed route are also notable. The switchback road would impact land that is currently undisturbed and that we believe is used by deer and elk during migration. A new road on this property may create impediments to that migration that would be exacerbated by the steep grade and switchbacks, as well as necessary design features (such as extensive guardrails).

The option that BE has proposed incorporates existing USFS roads and has been carefully planned to both meet Eagle County safety standards related to road construction and minimize environmental impacts. Although this route is longer than some alternatives, it avoids the steepest terrain and the resulting visual and environmental impacts of multiple steep switchbacks, large retaining walls, and extensive "cut and fill" construction.

USFS' proposed route raises safety concerns that BE's proposed route addresses. For example, BE's proposed access route, which was designed in consultation with fire safety experts at the Anchorpoint Group, connects to the central portion of the Property and eliminates the need for numerous switchbacks and steep gradients (which complicate access in the event of an emergency). It also incorporates a staging area as requested by the Eagle County wildfire specialist. By comparison, the USFS proposed route (which only provides access to the southeast leg of the Property) would create a much longer egress for home sites in the northwest portion of the Property, increasing fire danger for those residents and exposure to emergency personnel trying to access those home sites. Importantly, construction of paved access is vital to ensure the safety of residents and emergency personnel and facilitate evacuation if necessary.

Mitigation

BE understands that there are concerns about this project's impacts on recreation, wildlife, and other resources. BE has maintained a productive dialogue with the Vail Valley Mountain Bike Association, local residents, and local trails organizations for years to address these concerns and explore options for mitigating any such impacts. We encourage USFS to work with us and

all stakeholders to balance the competing interests and to continue looking for an option that both takes stakeholders' interests into account and affords BE the access to which it is statutorily entitled.

We support USFS' consideration of recreation impacts and concrete, constructive input from stakeholders in the EIS process. BE is willing to work with such stakeholders to find ways to mitigate impacts and improve the recreation experience in the area. We all recognize that recreation itself can have detrimental impacts on wildlife, and we embrace the opportunity to find solutions that maintain recreational opportunities while also preserving wildlife habitat.

As you develop alternatives and analyze impacts in the EIS, we encourage the USFS to consider mitigation that will preserve or enhance recreation opportunities. We also encourage you to consider design elements for the access road that will facilitate movement of deer and elk across the area and minimize disruption to migration patterns.

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Thank you for considering these comments. BE is grateful for the time and effort that USFS has already invested in this project and eagerly anticipates the Draft EIS. We encourage USFS to seriously consider the access route that we have proposed for all of the reasons above, and ultimately to select that route as the proposed action for purposes of NEPA review.

Sincerely,

Berlaimont Estates, LLC