

December 14, 2023

Mr. Eric Freels, District Ranger
Winter Park Water & Sanitation District
P.O. Box 10
9 Ten Mile Drive
Granby, CO 80446
eric.k.freels@usda.gov

Re: Willow Creek Land Exchange – Draft Environmental Assessment Comments

Dear Eric:

Intrawest / Winter Park Operations Corporation (“IWPOC”) is the operator of Winter Park Resort (“Resort”) under the terms of a Lease and Operating Agreement between itself and the Winter Park Recreational Association (“WPRA”).

IWPOC, WPRA, and the Colorado Arlberg Club (adjacent private landowner) have a letter agreement from June 15, 2015, with TMII Development LLC outlining terms for the use of the proposed Federal Property which provide conditions between the parties and TMII Development LLC. We understand that the USFS cannot enforce the terms of the letter agreement.

IWPOC supports the Proposed Action as long as conditions outlined in the letter agreement are followed and an easement / right-of way wide enough for the current traveled width of the Mary Jane Road and snow storage along the outside boundary of the road. In addition, the Proposed Action is consistent with the Corona Area Implement Plan developed in the 1980’s and further identified in the 1997 Forest Plan.

Specific comments on the Draft Environmental Assessment include the following:

1. 1.1.2 Current Proposal, Page 2, 2nd paragraph.
“Second, in April of 2023, the Forest Service modified the boundary of the Federal parcel, including the boundary and terms of the right-of-way reservation for National Forest System Road 166.1, also known as the Mary Jane Road. Based on the changes described above, the Non-Federal party submitted their amended exchange proposal on November 11, 2022.” Should November 11, 2022, read November 11, 2023?
2. Table 1, Federal parcel proposed to be conveyed to the Non-Federal Party, Page 4.
The Beginning point for the legal description of the Federal Parcel identifies the intersection of the 2-1 line of the Mary Jane Placer and the centerline of National Forest System Road 166.1. Where 166.1 crosses on to private property the road transitions from a two-lane road into the Mary Jane Siding parking lot and a wide circular drop off area adjacent to the Mary Jane Day Center Building. Could a more specific location for the Beginning point be identified and shared?

3. 2.2.1.2 Anticipated Future Uses of the Federal Parcel, Page 33, 2nd paragraph.
IWPOC, WPRA and the Colorado Arlberg Club currently have a letter agreement with TMII from June 15, 2015. In that letter agreement the parties agreed to preparing a "formal definitive agreement". No definitive agreements have been reached.
4. 3.1 General Setting, Page 41, 1st paragraph.
"The Federal parcel is located in the Town of Winter Park, Colorado, approximately 1 mile south of the downtown core area, north of the Mary Jane ski base (Figure 2). It is surrounded by roads and housing developments associated with Winter Park Ski Resort." The current housing developments near the Mary Jane base are not associated with the Resort. They were developed and are owned by private landowners.
5. Table 10, Key past, present, and reasonably foreseeable future actions. Page 43.
The first row of the table referencing Winter Park Resort identifies the Resort's current Master Development Plan as the one approved by the Forest Service in 2005. The current Master Development Plan was updated in 2022 and accepted by the USFS on September 9, 2022.
6. 3.5 Wetlands and Floodplains, 3.5.2.1 Wetlands, Page 63, 1st paragraph.
"Other than a small segment of Mary Jane Creek that is culverted under National Forest Service Road 166.1 and passes through the southern portion of the Federal parcel (Figure 7), no wetlands or other waters are located on the Federal parcel. There is a riparian area adjacent to the northwest corner of the Federal parcel associated with an unnamed drainage (Figure 7)." The unnamed draining referenced at the end of this sentence is Mary Jane Creek as it continues north towards the Fraser River.
7. 3.10.2.1 Federal Parcel, Page 78, 1st paragraph.
The description of the location of the federal parcel should also identify that it is all within the current Special Use Area for the Resort.
8. 3.11.2.1 Affected Environment – Federal Parcel, Page 81, 1st paragraph.
The Mary Jane Road was paved in 2022, not repaved. The road was originally a gravel road constructed in 1974 / 1975 by the Resort for public access to the Mary Jane base associated parking lots along with access to the Colorado Arlberg Club property. In 2016 the road was surfaced with recycled asphalt.
9. 3.11.3 Environmental Consequences, 3.11.3.2 Proposed Action, Page 85, 1st paragraph.
The Resort has maintained National Forest System Road 166.1 (Mary Jane Road) for access to the Mary Jane Base area and associated parking lots since 1975. Based on the letter agreement from 2015, the Developer and future owners of the units in the proposed project would contribute on a basis acceptable to the Resort's portion of the expenses of maintaining the Mary Jane Road including snow removal.

The Right-of-Way Reservation of the Mary Jane Road identified in Appendix A provides for the utilization, maintenance, and re-construction of the road. The Reservation also identifies that the easement shall be 33 feet west and north of existing centerline with such variable width to include existing fill slopes plus 10 feet from toe of slope. From the northern to southern part of the proposed easement the Mary Jane Road width varies significantly. The proposed easement should be based off a recent as-built survey that identifies topographical features such as guard rails, edge of asphalt, culverts, fill slopes, and any other features important to the use of the road. The proposed easement width should be further increased by a varying amount necessary to accommodate snow storage from time-to-time during each year. The operator of the Resort should be clearly identified as the Grantee. Grantee should have the right to use the road for snow storage purposes from time-to-time during each year. Grantee should have the right to pave or otherwise maintain the road in its discretion and should have the right to control use of the road and to charge for parking.

The proposed easement also identifies that the *"Grantor retains the exclusive right to extend rights and privileges for use of the road to other Federal, State, and local authorities."* As the Special Use permit holder of this area and road, WPRA and IWPOC currently utilize this road for our guests and employees to access the Mary Jane base area and should also have this right and privilege. In addition, at a future date the width of the road may need to be widened, potentially with a roundabout, to safely handle the traffic at the intersection of the Mary Jane Road and the Dotsero Parking lot. The proposed easement should also provide allowances for this safety upgrade.

As identified in Appendix B, the Special Use Permit for the Resort will be amended at the closing of the land exchange to account for the Federal property exchanged. Prior to closing, IWPOC requests a copy of the Land Survey / Easements.

Thank you for the opportunity to comment on the Draft Environmental Assessment for the Willow Creek Land Exchange.

Sincerely,



Sky Foulkes
President/COO