HAYES POZNANOVIC KORVER LLC
ATTORNEYS AT LAW

1999 BROADWAY, SUITE 3200
DENVER, COLORADO 80202

TELEPHONE (303) 825-1980 FACSIMILE (303) 825-1983

August 20, 2026

Submitted Electronically at https://cara.fs2c.usda.gov/Public/CommentInput?Project=334175
Brian Glaspell, Forest Supervisor
c/o Sarah Strehle, Mountain Sports Permit Administrator
USDA Forest Service, Dillon Ranger District
P.O. Box 620
Silverthorne, CO 80498

Re: Notice of Development, White River National Forest, Dillon Ranger District, Arapahoe Basin 2026 Improvement Projects

I am writing on behalf of Summit County to provide comments pursuant to 36 CFR § 218.25 on the above-referenced Notice of Development (the "Notice") of the Arapahoe Basin 2026 Improvement Projects (the "Projects). The Notice only provides cursory information on the Project and possible impacts that may result from the Projects. Accordingly, Summit County reserves the right to provide additional and supplementary comments as the review and analysis of the Projects continues, and to provide objections pursuant to 36 CFR § 218.26 on any environmental assessment, analysis undertaken, or decisions made, if deemed necessary.

We previously requested information from your office on August 5, 2026 concerning the Projects as well as the 1999 Arapahoe Basin ("A-Basin") Master Development Plan Environmental Impact Statement ("EIS") and Record of Decision ("ROD"). We have not received a response to date. Summit County also reserves the right to provide additional and supplementary comments and objections following its review of the ROD and EIS.

1. Removal of 25% Withdrawal Limitation. The Notice states that A-Basin proposes to remove a requirement contained in the ROD that limits snowmaking diversions to 25% of the streamflow in the North Fork of the Snake River. The Notice further states that A-Basin maintains certain minimum bypass flows, which is also presumably a ROD requirement,[1] and that A-Basin's diversions do not cause the streamflow to drop below the minimum bypass flow. The Notice further states that monitoring conducted pursuant to the ROD "demonstrates that A-Basin's snowmaking diversions have not impacted the measured environmental characteristics."

Any removal or reduction in the 25% withdrawal limitation must be in accordance with the findings and recommendations contained in the ROD and the EIS. Moreover, any such removal or reductions must further demonstrate that required minimum bypass flows must be maintained, that there be no impact to measured environmental characteristic, and that and that there be no degradation to water

[1] As indicated, we have not received a response to our prior request for information on the ROD and EIS, and cannot confirm the requirements contained therein.

quality and aquatic habitat. Summit County requests the opportunity to review the ongoing additional hydrologic analysis and field data the Notice indicates are being collected to evaluate surface water and groundwater interactions and whether changes in diversion could influence watershed conditions, and to supplement its comments if necessary based upon those analysis and data.

2. Instream Flows. The Colorado Water Conservation Board ("CWCB") maintains a decreed instream flow water right on the North Fork of the Snake River from Snake River Falls down to the confluence with the Snake River mainstem. It is decreed for 3.5 cubic feet per second ("cfs") from May-October, and 2.0 cfs from November-April. The CWCB entered into a 1986 MOA with A-Basin wherein A-Basin agreed that the appropriate instream flow on the mainstem of the Snake River down to Dillon Reservoir is 12.0 cfs from May-October, and 6.0 cfs from November-April. The environmental assessment should consider these instream flows in its analysis, and any actions pursuant to the proposed Project should ensure that the instream flows are met.

3. Mine Reclamation. Summit County has been an active participant in mine reclamation projects in the Snake River basin. Summit County also has water rights that are used for maintenance and enhancement of water quality in the Snake River associated with those efforts. The water quality of the Snake River is reliant on adequate stream flows. The environmental assessment should consider the impact of the Project to mine reclamation efforts in the Snake River basin, and any actions taken pursuant to the Project should ensure that the benefits of mine reclamation in the Snake River basin are not diminished.

4. Snowmaking Facility Expansion and Avalanche Control. Any actions proposed in the Notice regarding facility expansions and avalanche control, or actions implemented as contemplated in the Notice must comply with Summit County's Land Use Code, including the County's 1041 Regulations. Any such actions must also comply with the Master Development Plan approved by the ROD and EIS, and the 2002 White River National Forest Land and Resource Management Plan.

5. Parking Expansion and Pedestrian Bridge. Similarly, any actions proposed in the Notice regarding parking expansion or pedestrian access, or actions implemented as contemplated in the Notice must comply with Summit County's Land Use Code, including the County's 1041 Regulations. Any such actions must also comply with the Master Development Plan approved by the ROD and EIS, and the 2002 White River National Forest Land and Resource Management Plan.

Thank you for the opportunity to comment on the Notice and the proposed Project. Please include Jessica Forsyth, Community Development Director (email: Jessica.Forsyth@SummitCountyCO.Gov) at Summit County in any future notices or opportunities to participate as you analyze the Project and its potential impacts.

Sincerely,

Thomas W. Korver

Thomas W. Korver