

STATEMENT OF PRINCIPLES

This Statement of Principles is made by and among Eldora Mountain Resort, the Middle Boulder Creek Coalition, the Sierra Club Indian Peaks Group, and Boulder County, collectively referred to herein as the “Parties.”

I. BACKGROUND

Eldora Mountain Resort (“EMR”) prides itself on being one of the most accessible resorts on Colorado’s Front Range—embodying the “drive less, ski more” philosophy. Over its 60-plus year history, EMR has strived to offer outdoor recreation opportunities and to be a stimulating partner in a vibrant Front Range economy, while serving as a land steward and a good neighbor, including to the Community of Eldora, Town of Nederland, and the City and County of Boulder (the County referred to herein as “Boulder County”). Powdr Corp., the current owner of EMR, seeks to continue to build on that EMR tradition, and to further its goal of inspiring everyone to enjoy cool experiences in awesome places.

The Parties recognize a long history of land conservation in the upper Middle and South Boulder Creek watersheds, exemplified by such actions as designation of the Indian Peaks and James Peak wilderness areas, protection of the Arapaho and Tolland ranches through conservation easements, and the extensive acquisition of private lands to be managed for conservation by cooperating entities including the USDA Forest Service (“Forest Service”), Boulder County, and the Eldora Civic Association.

As EMR continues its operations and aims to offer ever-improving recreational opportunities to serve all interests and skill levels of visitors, it seeks the input of a range of stakeholders, including environmental, conservation, and community groups. In particular, the Middle Boulder Creek Coalition (“MBCC”) and Sierra Club Indian Peaks Group (“SC/IP”) have been active participants in recent proceedings before the Forest Service Arapaho and Roosevelt National Forests and Pawnee National Grassland (“ARP”) relating to projects proposed by EMR.

This Statement of Principles identifies key objectives shared by the signatory Parties.

II. OBJECTIVES

- A. The Parties will seek to work collaboratively and constructively on issues relating to EMR that are of interest to the Parties.
- B. The Parties agree that EMR is an important amenity to the local communities and Boulder County, and that EMR views regular updating, renovation and improvement of infrastructure and facilities as necessary to compete and endure in the recreation industry.
- C. The Parties agree that the overall health of public and private lands and natural resources are important to the local communities and Boulder County.
- D. The Parties agree that proposals for improvements will be guided by: (1) sustainability considerations, and (2) avoidance, minimization, and mitigation principles.

- E. The Parties agree that Middle Boulder Creek is a significant natural resource area within Boulder County, providing wildlife corridor and habitat, wetland and riparian resources, recreational opportunities for the public, among other irreplaceable attributes, and that the signatory parties are committed to ensure that Middle Boulder Creek remains a resource available to future generations.
- F. The Parties understand that Boulder County's participation and ongoing interest as a stakeholder in recent proceedings before the ARP relating to projects proposed by EMR is outside the scope of any future Boulder County land use review process that EMR will be required to undergo. EMR currently does not have any applications pending with Boulder County.
- G. The Parties acknowledge that this Statement of Principles does not bind or encumber the Parties, or preclude any exercise of rights, but rather embodies agreed-upon principles and establishes a framework for stakeholder cooperation.

III. MBCC and SC/IP Concerns

- A. MBCC and SC/IP, among other interested stakeholders, have supported "infill development" focused on the physical footprint and boundaries of EMR as of 2016.
- B. MBCC and SC/IP are especially concerned with the long-term protection of Middle Boulder Creek, prioritizing undeveloped sections of the creek and adjacent habitat.
- C. MBCC and SC/IP are further concerned with providing for safe public access to Jenny Creek that avoids or minimizes impacts to other natural and recreational resources. MBCC and SC/IP are concerned with protecting natural resources and healthy ecosystems in the face of a wide range of direct, indirect, and cumulative threats—including population growth, potential development, recreation, climate change, and other potential impacts.

IV. COMMITMENTS

In accordance with the objectives outlined above, and as a result of collaboration and compromise, the Parties agree as follows:

- A. EMR
 - 1. EMR will seek Forest Service approval to implement the "Jolly Jug" chairlift, terrain, and associated facilities identified in the Eldora Mountain Resort Ski Area Projects Final Environmental Impact Statement Record of Decision issued by the Forest Service in October 2015 ("ROD"¹), modified as necessary, including based on the recommendations of the working group convened by EMR to address the final configuration. EMR expects to begin that process in 2017.

¹ The ROD is available at:
http://a123.g.akamai.net/7/123/11558/abc123/forestservic.download.akamai.com/11558/www/nepa/96510_FSPLT3_2574955.pdf

2. The parties will continue to work together to find a suitable new route for the Jenny Creek access trail, one that provides similar access to the existing trail, while providing safety for users (including by avoiding crossing ski runs or the lift corridor of the Jolly Jug pod). The new route for the Jenny Creek access trail will be operational prior to the opening of the Jolly Jug pod. EMR has proposed a new route as depicted on the conceptual map, attached hereto. Additionally, to further ensure greater compatibility between Jolly Jug pod and Nordic skiing:

- a) EMR will allow continued access to the Zarlengo, Antelope, and Jenny Creek loops through a route as recommended by the working group and in accordance with property rights.

- b) The Porcupine loop will be relocated to a location and layout as recommended by the working group.

3. EMR will not seek Forest Service approval to implement the following projects identified in the identified in the 2011 Master Development Plan: (1) the Placer chairlift and terrain pod; or (2) the Moose Glade detachable chairlift (also referred to as the Moose Glade Express) and advanced terrain pod project (as described on pages 1-5, 5-5, and 5-6, inter alia, of the 2011 MDP).

EMR will remove from the 2011 MDP: (1) the Placer Express Chairlift (as described on page 5-6 of the 2011 MDP); (2) the Moose Glades Express Chairlift (page 5-6 of the 2011 MDP); (3) the Placer Glades II (page 5-15 of the 2011 MDP); (4) the extension of Moose Glades (page 5-15 of the 2011 MDP referencing Figure 5); and (5) the formerly proposed extensions of existing runs related to the formerly proposed Placer and Moose Glades lifts (as depicted in Figure 5 of the 2011 MDP). This action will occur either at the next update to the 2011 MDP, or by submission of a new Master Development Plan, whichever comes first.

4. EMR will seek early and continued input from the parties and other key stakeholders regarding Nordic operations at EMR and will assess operational and re-design options to maintain and enhance the Nordic experience at EMR. EMR will invite representatives of the parties to participate on a Nordic Advisory Group.

B. MBCC, SC/IP and Boulder County

1. MBCC, SC/IP and Boulder County agree that their communications with EMR since issuance of the ROD have taken place in accordance with the ROD's directive to "work collaboratively to resolve environmental and social issues," and that EMR may indicate as much in related submissions to the Forest Service.
2. MBCC, SC/IP and Boulder County agree to support EMR's proposed improvements to the Jolly Jug chairlift and terrain.

3. MBCC, SC/IP and Boulder County will support the proposed Master Development Plan or next update to the 2011 MDP, whichever comes first, that EMR submits to the Forest Service pursuant to Sections IV(A)(1) - IV(A)(4) above.
 4. MBCC, SC/IP and Boulder County agree to work to resolve any remaining concerns relating to EMR's 2012 proposal directly with EMR rather than resorting to formal objection processes.
 5. MBCC, SC/IP and Boulder County agree to support an expanded boundary for the Jolly Jug project as recommended by the working group.
- C. All Parties.
1. The Parties agree to work towards a Forest Plan management area designation for the lands north of the current Special Use Permit ("SUP") boundary that protects the area's renewable natural resources, including any lands currently designated in the Forest Plan as 8.22 (Ski-Based Resorts) that are north of the SUP boundary.
 2. The Parties agree to work together to support a request that the Forest Service modify the ROD consistent with the provisions in this Statement of Principles, which represents the outcome to date of the Parties engaging in discussions as directed by the ROD.

V. COMMUNICATIONS

- A. The Parties will continue to collaborate with each other and other key stakeholders regarding potential improvements at EMR as appropriate.
- B. The Parties agree to an iterative and flexible process to maximize the mutual benefits of their shared objectives of collaboration and compromise, consistent with a commitment to sound stewardship of natural resources, environmental protection, healthy ecosystems across land ownership boundaries, and good neighbor policies informed by community and local government participation in decisions.
- C. The principal point of contact for communications for each Party is listed below.
 1. MBCC and SC/IP

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 2. Boulder County

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3 Eldora Mountain Resort

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IN WITNESS WHEREOF, the Parties have executed this Statement of Principles as follows:

Dave Hallock, Chair
Middle Boulder Creek Coalition

Date

Bill Ikler, Wilderness Chair
Sierra Club – Indian Peaks Group

Date

Tim Brennwald, EVP/Chief Operating Officer
Powdr Corp. (for EMR)

Date

Deb Gardner, Chair
Board of County Commissioners
County of Boulder, State of Colorado

Date