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## **TERRAIN ACCESS POLICY AND UPHILL ACCESS GUIDELINES**

Cooper Hill Ski Area, Inc. (dba "Ski Cooper")(hereafter the "Area") and the United States Forest Service ("USFS") encourage the use of public lands. The Area is located on both public and private lands. While on Area property (public or private lands) you must abide by the Area rules and restrictions and should follow the Area's recommendations. Private landowners adjacent to public lands may close or restrict access to their land and you must respect such closures and restrictions.

The following is a summary of Area access and Uphill access provided for your information. Other restrictions may exist periodically so be sure to check for temporary closures or restrictions before you access the Area.

### **Use of Ski Area Facilities**

Please be advised that, under Colorado law, any person using any of the facilities of a ski area is considered a skier. You have duties under Colorado law (Ski Safety Act, CRS Title 33 Article 44), including but not limited to, controlling your speed and course at all times and maintaining a proper lookout. Using a ski area for any purpose can be hazardous and you assume all risks associated with such use.

### **WARNING**

Under Colorado law, a skier assumes the risk of any injury to person or property resulting from any of the inherent dangers and risks of skiing and may not recover from any ski area operator for any injury resulting from any of the inherent dangers and risks of skiing including: Changing weather conditions, existing and changing snow conditions; bare spots; rocks; stumps; trees; collisions with natural objects, man-made objects, or other skiers; variations in terrain; and the failure of skiers to ski within their own abilities.

The Ski Safety Act includes, CLIFFS, EXTREME TERRAIN, JUMPS AND FREESTYLE TERRAIN as inherent dangers and risks of the sport.

### **General Access Information**

Access to Area trails/slopes or property at any time is at your own risk and you assume all risks associated with your use of Area property. Such risks include, but are not limited to, those listed above as well as falling and downed trees and limbs, deep snow conditions and tree wells, unstable ice and snow including but not limited to slides and avalanches, wildlife encounters, snowmobiles, snowcats, vehicles, and other equipment, slips, trips, falls, and other premises incidents, etc. Other dangers or conditions may also be encountered at any time.

The Area is a mountain environment that requires alertness, common sense, and caution. Read and obey all signs. Be sure your physical condition permits you to hike, ski, snowboard, or otherwise use Area facilities. Be aware that high elevation can exacerbate existing health problems. If you become lost outside the Area boundary, the Area has no obligation to provide any type of search and rescue or aid; assistance and medical care may be limited and take a long time to arrive, and you may be held responsible for the cost of search and rescue operations.

Due to fire danger, campfires and flame of any kind are strictly prohibited on the mountain and within Cooper's permit boundary at all times.

Any and all motorized vehicles, including but not limited to, snowmobiles, motorbikes, snowcats, ATV's, etc. are strictly prohibited from use on all Area trails, slopes, and mountain roads during both operating and non-operating seasons. Exceptions are US Forest Service vehicles, Cooper vehicles in the line of duty, and those given explicit permission from Area Management.

It is unlawful to use closed trails/slopes/areas, regardless of how the trail/slope/area was accessed, and unlawful to access closed trails/slopes/areas by any route, including but not limited to, cutting through the trees from open trails, or moving up into a closed trail or closed section of a trail from an open section below. Entering closed trails/slopes/areas may result in a \$1000 fine (Colorado Revised Statute 33-44) and/or loss of pass/ticket privileges.

All Cooper ski lifts open at 9am. No one shall board a lift prior to this time, except in the following circumstances: ski patrol – with permission from patrol director and lift supervisor; ski school staff for a morning training clinic only – with permission from ski school director and lift supervisor; athletes and coaches for predetermined race early lift load – with permission from lift supervisor; other circumstances, with proper permission. No public shall load any lift prior to 9am. No employee shall load any lift prior to 9am for free-skiing.

Sledding is not permitted at the Area at any time on any section of the mountain. This applies to any type of device that can be used for sledding, including but not limited to, sleds, toboggans, tubes, saucers, shovels, pads, trays, etc. Baby carrier packs (strapped to one's back or chest) are not permitted uphill at the Area. Fat tire bikes are not permitted uphill at the Area.

Camping on Area property (including on-mountain and in parking areas) is strictly prohibited at all times without express permission granted by Area Management.

## **Pets**

Dogs, and any other pets, are prohibited on the mountain and in the base area by order of the United States Forest Service operational plan for Ski Cooper at all times, 24 hours per day, 7 days per week, unless it is a registered service animal with proper identification. Furthermore, due to a number of serious safety concerns, all animals, including registered service animals, are strictly prohibited from riding the lifts at Ski Cooper, and under no circumstances shall access to riding on a lift be granted to any animal. Other accommodations will be made if necessary.

Dogs and any other pets in the parking area must remain on a leash or under voice command at all times. It is the responsibility of the owner to remove all solid waste produced by the animal. It is strongly suggested that all animals are left at home. Dogs can chase machinery or vehicles and be severely injured or killed. Likewise, they may endanger employees or other guests. Cooper is not responsible for injury to dogs, service animals, or other pets. The owner may be held responsible for any resulting damages or injuries to persons or property due to his or her animal, as well as loss of access/pass privileges. PLEASE LEAVE YOUR PETS AT HOME!

## **Drone Policy**

Out of safety concerns for guests, employees, and resort property, as well as concerns for individual privacy, Ski Cooper (the "Area") prohibits the operation or use of unmanned aerial systems (UAS), or drones, by the general public – including recreational users and hobbyists – without prior written authorization from the Area. This prohibition includes drones used for any purpose whatsoever, whether filming or videotaping, or by media or journalists operating above or within the Area boundaries, including Chicago Ridge. This prohibition on drone operations or use extends to any drones launched or operated from Area property, as well as drones launched from private property outside of the Area boundaries. Please contact Ski Cooper Risk Management, 719-293-8161, if you have any questions or if you have appropriate governmental authorization allowing you to operate drones above the Area. Any authorized operation of drones must be in accordance with Federal Aviation Administration (FAA) rules and regulations, local law enforcement, and US Forest Service rules, as well as those policies separately established by the Area. These authorizations, regulations, and rules generally require an

application to the FAA, certification, training, various restrictions, safety and national security clearances, and a specific limited purpose, as well as insurance coverage, indemnification requirements, and waivers and releases of liability. Any violation of this policy may involve suspension of your skiing, snowboarding, or uphill access privileges, in addition to penalties or other actions that may be taken by any of the other regulatory agencies noted above.

## UPHILL ACCESS

Ski Cooper permits uphill traffic with limited restrictions. However, there are guidelines that all uphill users must follow to promote safety and to minimize conflicts between grooming operations, snowmobile traffic, downhill skiers, and any other activities that might be taking place at any time on the mountain, day and night.

Uphill access is an activity that Ski Cooper supports in the interest of increasing the enjoyment of the Ski Area and the National Forest. The following policy is intended to enhance the mountain experience for users of all kinds. Please remember, uphill access is a privilege, not a right.

**Uphill access is conditioned upon signing this Policy and obtaining an Uphill Access Pass in the form of a reflective armband to be worn on one's person. Uphill Access Pass armbands are to be worn at all times when accessing the mountain via AT, snowshoes, hiking, or any other type of permitted uphill method other than the lifts. If the armband is not visible, the user may be asked to stop and present the armband. In the event that the user does not have an armband, the user will be directed to the base lodge to obtain one, or to leave the premises. All users will be required to read and sign this Policy prior to receiving a free Uphill Access Pass Armband. The Armband is required 24 hours per day. This can be completed at the Cooper ticket window or the guest services desk, both located at the base lodge. Armbands are required from Opening Day through April 15<sup>th</sup>.**

### Uphill Access Pass Conditions & Expectations:

1. Uphill Access is prohibited from 9am to 5pm prior to Cooper's opening day due to early-season work on the mountain. Before opening day (late November / early December), you may only access after 5pm and before 9am. You must be off the mountain by 9am, no exceptions.
2. From opening day forward, from 9am to 5pm there are 2 designated uphill routes (one on the front side of the mountain and one on the back side). These two designated routes are the only ways uphill from 9am to 5pm. Looker's left of *Trail's End* is the front side uphill route, and Piney Ditch Road to looker's left of *Ambush* is the back side uphill route. Follow the yellow and blue Uphill Route signs as you go. If a trail that is a designated uphill access route is closed for any reason, or due to events on the mountain, the uphill route may be moved to another trail. For example, on a big race day, the front side uphill route may be moved to either Molly Mayfield or Pando, depending on where the race is taking place. Look for the yellow uphill signs and follow them. From 5pm to 9am (overnight), uphill access is allowed on all trails except those that are closed and those on which grooming operations are taking place (see the night's grooming plan and trail report located on the north side of the lodge next to the exterior First Aid Room door – we try to update it every evening, but cannot guarantee this).
3. Throughout the season there are blackout dates during holidays and peak days wherein Uphill Access is prohibited from 9am to 5pm due to safety concerns arising from the number of guests on the mountain. For the 2017-2018 ski season these dates are:
  - Christmas/New Year's period: December 22 to January 8 (Saturday – Monday)**
  - Martin Luther King Weekend: January 13, 14, 15 (Saturday, Sunday, Monday)**
  - President's Day Weekend: February 17, 18, 19 (Saturday, Sunday, Monday)**
  - Spring Break period: March 10 to 26 (Saturday – Sunday)**
4. Be vigilant when ascending. The Area conducts operations on the mountain and in the base area 24 hours a day. Many of these operations continue year-round. Snowcats, snowmobiles, trucks, ATVs, skiers, riders, other Uphill Access Pass users, etc. may be encountered at any time. Keep as far away as possible from all machinery: grooming operations may occur at any time and on any trail, stay away;

- stay completely off trails that are in the process of being groomed. Do not, under any circumstances, move toward grooming operations; operators will likely not see you and thus it is extremely dangerous.
5. Respect all closures, ropes, signs and warnings no matter what time of day or season. Uphill Access Pass users may not enter any trails, slopes, or areas that have not been opened for the season or that are marked "Closed" for any period, as safety markings and pads may not be in place, and grooming, trail checks, construction, etc. may not be completed or may still be in progress and trees and limbs or other obstacles may be blocking terrain.
  6. Keep to the left side of the designated routes while ascending and remain visible from above at all times.
  7. Access to all terrain parks is prohibited outside of normal operating hours, unless for an event authorized by Cooper Management. Likewise, access to terrain parks is strictly prohibited unless you have purchased a Cooper season pass/lift ticket (Uphill Access Passes do not count). Skiing/skinning/hiking/snowshoeing/etc. into any terrain park without a valid pass/lift ticket is not allowed under any circumstances. Initial access to any terrain park must be via lift access through the top entrance to the park; hiking to any terrain park for the first run is prohibited.
  8. All Uphill Access Pass users must abide by all Area policies and rules, follow Area employee directions and instructions, and all Colorado State laws. Remember, if you are using any Area facilities, under Colorado law you are considered a "skier" and must abide by the CO Ski Safety Act. Uphill Access Passes do not grant lift privileges. You may not board any passenger tramway (chairlift, surface lift, magic carpet, etc.) without a valid season pass/lift ticket; to do so is considered trespassing and theft of service, charges will be filed and all pass privileges will be revoked. Likewise, a lift ticket/season pass grants lift privileges, not uphill access privileges; an armband is required for uphill access by any means other than lifts.
  9. As an Uphill Access Pass user, accessing the Area before or after operating hours is at your own risk. If rescue or medical care or other assistance is required, if available, the response time may be limited and costs may be charged to you.
  10. If traveling on the mountain at dusk, at night, in the early morning, in a whiteout, fog, or other conditions of low light and/or low visibility, fluorescent and/or reflective clothing visible from all directions is highly suggested to increase visibility, as well as a light source, such as a head lamp. The Uphill Access Pass armband, while reflective, is not intended as a substitute for standard low-light visibility protection. It is your responsibility to avoid any vehicles and/or equipment also on the mountain.
  11. If your presence on Area property presents a hazard or the Area's staff believes that you are impeding any Area operations, you may be directed to use a different location or to leave. You must follow any such direction.
  12. Wildlife may be encountered at any time on Area property. Moose, bears, coyotes, etc. can be very dangerous. It is your responsibility to be aware of wildlife and keep your distance if encountered.
  13. If, as an Uphill Access Pass user, you decide to leave the Area boundary, you are responsible for understanding the risks. You may not enter, leave, or re-enter the Area boundary by using a closed area.



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## UPHILL ACCESS POLICY AND USER GUIDELINES AGREEMENT

BY SIGNING THIS DOCUMENT, I, ON BEHALF OF MYSELF AND ANY MINORS THAT MAY BE ACCOMPANYING ME, (1) ACKNOWLEDGE AND AGREE TO ABIDE BY THE ABOVE POLICY AND GUIDELINES, AND THAT MY UPHILL ACCESS PRIVILEGES MAY BE TAKEN AWAY IF I DO NOT; (2) I UNDERSTAND THAT BOTH BEFORE AND AFTER THE AREA OPENS AND CLOSES FOR SKIING I MAY ENCOUNTER UNMARKED HAZARDS NOT NORMALLY PRESENT DURING TIMES WHEN THE AREA IS OPEN AND THAT THERE ARE NO SKI PATROL SERVICES AVAILABLE DURING THOSE TIMES; (3) I UNDERSTAND THAT WHILE I AM WITHIN SKI COOPER'S PERMIT AREA I AM CONSIDERED A SKIER UNDER THE COLORADO SKI SAFETY ACT AND AM REQUIRED TO FOLLOW ALL POLICIES AND PROCEDURES WITHIN THE ACT, AS WELL AS ALL POLICIES, PROCEDURES, AND DIRECTIONS GIVEN TO ME BY SKI COOPER STAFF; (4) I DO HEREBY WAIVE, RELEASE, DISCHARGE, AND INDEMNIFY COOPER HILL SKI AREA, INC. (dba "SKI COOPER"), THE USDA FOREST SERVICE, AND EACH OF THEIR RESPECTIVE EMPLOYEES, VOLUNTEERS, OFFICERS, DIRECTORS, SHAREHOLDERS, AND INSURERS OF AND FROM ANY AND ALL CLAIMS, DEMANDS, CAUSES OF ACTION, LIABILITIES, OR OBLIGATIONS OF ANY KIND MADE OR ALLEGED AGAINST ANY OF THEM BASED UPON OR ARISING OUT OF ANY INJURIES, DEATH, AND/OR DAMAGES SUSTAINED BY ME OR ANY MINORS ACCOMPANYING ME WHILE USING THE FACILITIES OF THE SKI AREA THROUGH ANY TYPE OF UPHILL ACCESS.

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User Signature

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User Printed Name

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Street Address

City

State

Zip

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Phone Number

Email Address