



ROCKY MOUNTAIN WILD



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## **Opening Brief Filed in Lawsuit to Keep Wolf Creek Pass Wild**

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*Denver, CO – September 30, 2016* - A coalition of conservation organizations [filed an opening brief](#) yesterday in the United States District Court of Colorado as part of their lawsuit to stop a controversial land exchange on Wolf Creek Pass. The land exchange would pave the way for the development of a tourist “village” to accommodate 8,000 people at the top of the remote pass in southwestern Colorado. The land exchange, which was approved by Rio Grande Forest Supervisor Dan Dallas in May of 2015, would trade approximately 205 federal acres for 177 acres of private land within the boundaries of the Rio Grande National Forest. The land exchange connects Texas billionaire Red McCombs’ private land to U.S. Highway 160, thus securing year around vehicle access for this large scale development.

The brief outlines how the Forest Service unlawfully limited the scope of the environmental analysis it began in 2008 and avoided fully analyzing options that denied increased access and better served the public interest. Additionally, the brief asserts that a biased and conflicted review process was used by the Forest Service to approve the exchange. Information in the brief is based upon the review of over 100,000 pages of documents received through still-unresolved lawsuits that resulted in court orders forcing the Forest Service to release information under the Freedom of Information Act.

The environmental analysis is part of a 2008 settlement agreement between conservation organizations, the Forest Service, and McCombs. The settlement invalidated a 2006 Forest Service decision that expanded access to the site. “The 2008 settlement requires preparation of a Environmental Impact Statement that fully analyzes Red McCombs’ plan to develop the so-called Village at Wolf Creek,” stated

Travis Stills, attorney with Energy & Conservation Law who represents the conservation organizations. “Despite promises to carry out a lawful and transparent analysis of the landowner’s plans, the Forest Service produced an analysis of development concepts based on many of the same violations.”

“Putting together this case has been a long and arduous process,” stated Matt Sandler, Attorney for Rocky Mountain Wild. “The Forest Service erected road blocks at every juncture, forcing us to file suit to get information that should have been readily available to the public. Even though the Forest Service has refused to disclose records kept by the contractors who prepared the environmental analysis, we are confident our brief demonstrates to the Judge that this was a fatally flawed process.”

Defendants in the case now have 60-days to prepare and present their response to the Court. That will be followed by another 60-day period for the plaintiffs to file a reply brief. All documents and arguments are expected to be in the hands of Senior Judge Richard P. Matsch by February 2, 2017.

The lawsuit against the U.S. Forest Service was brought by a coalition of conservation groups including Rocky Mountain Wild, San Juan Citizens Alliance, and San Luis Valley Ecosystem Council.

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