

The Village at Wolf Creek – A Concise History

1986: Land Exchange #1

Leavell Properties requested 420 acres of U.S. Forest Service (USFS) land on the east flank of Wolf Creek Pass in exchange for 1,631 acres of degraded rangeland they owned in Saguache County. Their aim was to develop 200 residential units adjacent to the Wolf Creek Ski Area. Colorado's then Congressman Hank Brown interfered with this process. The USFS denied the exchange due to concerns surrounding "a decrease in public values;" but two weeks later, the USFS withdrew the denial decision and, without providing a valid reason, approved the transfer of 300 acres to Leavell.

2000: Mineral County Preliminary Approval

The Leavell and (Red) McCombs Joint Venture (LMJV) submitted an application to Mineral County to build the "Village at Wolf Creek" - a development containing 2,172 units, 222,000 square feet of commercial space, 4,267 parking spaces, 12 restaurants, and several hotels. The county preliminarily approved the project, despite serious environmental and economic concerns.

2001 & 2002: LMJV Attempts to Circumvent Public Review Requirements to Obtain Highway Access

The parcel that LMJV obtained during the 1986 land swap lacked road access to US Highway 160, preventing it from being developed. A dispute between Wolf Creek Ski Area and Colorado Wild (now Rocky Mountain Wild or RMW) was settled with a legal agreement that no improved highway access would be allowed without a thorough USFS Environmental Impact Statement (EIS). LMJV attempted to circumvent this requirement by lobbying Texas Congressman Tom Delay to introduce legislation that would grant them highway access without the necessary EIS. This legislation was not successful.

2004: Mineral County Final Approval

Mineral County approved the "Village at Wolf Creek" despite the lack of highway access and the fact that the Planning Commission was given one day to review the planning documents. It was later revealed that McCombs was unethically involved in developing the county's land use code. The State District Court, backed up by the State Court of Appeals, denied the approval because the parcel lacked the necessary highway access for a huge, four-season resort.

2004 – 2006: Illegal EIS Process #1

LMJV finally drafted an EIS to obtain highway access; however, documents showed that LMJV influenced the USFS and was unlawfully involved in authoring USFS road access policies. Despite this unlawful process and thousands of public comments in opposition, the USFS granted McCombs' highway access. Colorado Wild and the SLV Ecosystem Council sued the USFS for this "bogus" EIS and won. The lawsuit settled with an agreement that a new EIS would be required for any further development plan.

2009 - 2012: Pursuit of Land Exchange #2, and Illegal EIS Process #2

Undeterred, LMJV tried a different approach. They proposed another land exchange and, following Congressman John Salazar's advice, initiated a new USFS EIS in pursuit of the exchange. The proposed deal would swap 178 acres from the southern edge of the original (1986) 300-acre parcel for 204 acres of USFS land on the north side of his parcel. The swap would provide LMJV with the previously unobtainable Highway 160 access they required, and more acreage, while passing 40 acres of undevelopable wetlands back to the USFS. The Draft EIS, released in 2012 was inappropriately narrow, analyzing the environmental impacts of the highway access, not the impacts of building a 8,000-person village on the land, as if it was the "Highway Access to Nowhere."

2014: Final EIS Process #2 Approved by USFS, and USFS Denies Public Access to EIS Documents

Despite its flawed structure, content, and extensive public objections, Rio Grande National Forest Supervisor Dan Dallas approved the EIS #2, allowing the land exchange. During the process, the Friends of Wolf Creek, or FOWC (RMW, San Juan Citizens Alliance, San Luis Valley Ecosystem Council) filed two Freedom of Information Act (FOIA) requests to explore the possibility of collusion as was found in EIS Process #1. The USFS failed to adequately fulfill the FOIA request, necessitating RMW to file two lawsuits. The federal court ruled on the first suit, ordering the Forest Service to properly fulfill their legal obligations under FOIA by providing the requested documents.

2015: Friends of Wolf Creek Sues USFS, Again

FOWC filed a formal Objection with Region 2 of the USFS asking them to withdraw the Final EIS and restart the process. The Region 2 office denied this Objection, approving the land exchange. In response, FOWC filed a legal complaint to force a court-ordered new EIS and the termination of the approval. FOWC's (joined by Wilderness Workshop) complaint explains that the EIS process was unlawfully narrow in its analysis of the development and failed to independently review the formal Objections to the EIS. After filing, FOWC legal staff and attorneys for the USFS and LMJV agreed to suspend all construction until the court case is resolved by Federal District Court.

2017: Judge Rules in Favor of Friends of Wolf Creek

On May 19th, Judge Richard P. Matsch issued an Order in the 2015 case against the Forest Service, nullifying the land exchange that would have provided needed road access for the development to be built. The judge affirmed that the Forest Service “failed to consider important aspects of the issues before them, offered an explanation for their decision that runs counter to the evidence, failed to base their decision on consideration of the relevant factors, and based their decision on an analysis that is contrary to law.”

2018: The Forest Service Declines to Appeal, Issues Second Decision

While the developers appealed the 2017 decision, the Forest Service declined to and filed a request to dismiss the case. In July, the agency issued a second Draft Record of Decision (ROD) to provide road access to the Village at Wolf Creek, based on the same flawed Environmental Impact Statement (EIS) the federal judge deemed ‘contrary to law.’