



October 6, 2008

Jeni Bradley Evans  
Deputy Forest Supervisor  
Rio Grande National Forest  
1803 West Hwy 160  
Monte Vista, CO 81144

Dear Ms. Evans:

I am writing to follow up on my September 24<sup>th</sup> request for an extension of the public scoping period for the new Village at Wolf Creek Access EIS. I am attaching, for your information, a map showing new property ownership, easements, road alignments and lot boundaries within the LMJV property that has recently been recorded in Mineral County. Based on our conversation Thursday October 2<sup>nd</sup> during the San Luis Valley Wetlands Area Focus Committee field tour, it appears as though the Forest Service is unaware of these recent changes in the project area.

These modifications appear to make it impossible for the original Village at Wolf Creek Development Plan to be implemented. Instead, it can be reasonably presumed that an entirely new development proposal is being developed consistent with the enclosed map (and apparently without the Forest Service's knowledge). We find it problematic that the Forest Service is accepting public comments on an out of date and clearly irrelevant development proposal, and encourage you to reconsider the public scoping period currently underway.

We hereby reiterate our request that the Forest Service extend the public scoping period until such time a new development proposal has come forward from the proponent. Indeed, based on the attached map and in consideration of applicable Forest Service regulations, it may be more appropriate for the Forest Service to fully postpone the EIS process until the proponent provides valid information in the Application.

In light of this new information, the Forest Service should review its decision to accept as a part of a complete Application, the original land use plan for the Village as presented in the 2000 and 2004 Mineral County Preliminary and Final Development Plans. The 2004 approval was formally vacated by the District Court, and more importantly, neither the 2000 or 2004 approval appears to be consistent with the new easements, property ownerships, road alignments and lot boundaries that are shown on the attached map recorded at the Mineral County Recorder's Office.

These changes appear so substantial as to raise inconsistencies with Mineral County's preliminary approval (Resolution #00-13), which would require an entirely new land use approval process in Mineral County beginning with the Planning Commission. In particular, see section 3.2.6 of Resolution #00-13:

"Adjustments to lot, block, open space parcels or other boundary lines may occur during the period between the adoption of this Resolution and Final Approval, limited as follows: No such boundary adjustments shall: Alter the location of the boundaries of any roadway by more than 100 feet; Alter the location of any block or open space parcel boundary line by more than 100 feet; Alter the location of the boundary of any lot by more than 25 feet. Any boundary

adjustment which is in excess of the foregoing or which increases or decreases the area of any lot, open space parcel or block by more than 5% of the area shown on the Preliminary Plat for that open space parcel, lot or block, shall require approval of the Commission and the Board."

It appears from the attached map that roadways and lot lines have been completely re-drawn over the southern portion of the property. Hence, a new approval from the Commission and Board would be required of this NEW land use plan. During this new land use review process, the Rio Grande National Forest should continue to exercise its authority to review and approve land use plans and architectural styling as provided by the Forest Service's Scenic Easement on the property. This analysis and approval should therefore also be a part of the EIS process (including opportunities for public comment), despite claims in the Scoping Notice to the contrary.

If in fact the Forest Service was unaware of these recent developments until now, it is unfortunate that the developer opted not to disclose this information to the agency as a part of their application. Moving forward with review of an application based on outdated and inaccurate information would appear to be in violation of CRF 251.54(d)(4) which requires the developer to submit an accurate project description to the Forest Service for their application. The omission of this information would appear sufficient to deny LMJV's application pending revision of the development plan.

If instead the Forest Service was aware of these changes yet continues to represent to the public that the proposal remains unchanged, that would simply be extremely concerning.

In either case, the public (and perhaps also Forest Service staff and other government agencies) are not being given a reasonable opportunity to provide meaningful and informed scoping comments because no current proposal for the development of LMJV's inholding has been made available to the public. In contrast, the public is being told that the original development plan still applies when it is clear from documents recorded in Mineral County that this is not, and in fact, cannot be the case.

It appears to us that the Forest Service is moving forward with this EIS process without adequate knowledge about what is actually being proposed, and without giving the public sufficient information with which to be meaningfully involved. Given the familiar history of this project, we are hopeful that the Forest Service will take steps to rectify this situation so that the new EIS process can in fact be an open and transparent one incorporating sound analysis and informed public engagement.

Sincerely,



Ryan Bidwell  
Executive Director

cc: Rick Cables, Regional Forester;  
Dan Dallas, RGNF Forest Supervisor;  
Robert Dalrymple, RGNF Planner;  
Becky Bryan, USFS, EIS Team Lead;  
Rep. John Salazar;  
Sen. Ken Salazar;  
Rep. Mark Udall

