

Ryon, Debra -FS

From: Ryon, Debra -FS
Sent: Monday, August 18, 2014 11:50 AM
To: Hesch, Patricia -FS
Subject: FW: wolf creek

Thought you'd want to see this message below...

From: Capps, Kenneth - OGC
Sent: Monday, August 18, 2014 9:27 AM
To: Ryon, Debra -FS; Loomis, David E -FS
Subject: RE: wolf creek

Although I had a call from Steve Quarles (partner at Crowell & Moring in DC) saying Dan promised Red a decision on the 29th and tha the Chief's Office says we are the hold up and they can turn it around in a day. Hmmm?

Well, I'll plan to have my stuff done this week.

Ken.

From: Ryon, Debra -FS
Sent: Friday, August 15, 2014 8:01 AM
To: Capps, Kenneth - OGC; Loomis, David E -FS
Subject: RE: wolf creek

True Ken, from what I heard from Patricia, the RO is still waiting for the documents from the forest so that the office can start the LEX review which they said will take at least a few weeks, and then need to have the national review done as well - so you are not holding it up!

From: Capps, Kenneth - OGC
Sent: Thursday, August 14, 2014 6:02 PM
To: Ryon, Debra -FS; Loomis, David E -FS
Subject: RE: wolf creek

Thanks. Will do.

Unfortunately, I had to switch to helping a criminal AUSA address R.S. 2477 issues for a brief due Tuesday.

I've made no real progress on Wolf Creek in the last couple of days and I'm off tomorrow.

I'll be back on Wolf Creek Monday and I have a meeting on the Wagon Wheel Pipeline Monday and an all-day training on Tuesday. I hope I'm correct that the delay for the land exchange review for the Chief's office is holding this up anyway and I'm not the hold up.

Ken.

Bedwell, Jim -FS

From: Bedwell, Jim -FS
Sent: Tuesday, October 21, 2014 11:32 AM
To: Mendonca, Adam -FS; Bass, Bill -FS; Gustafson, Maribeth -FS; Dallas, Dan -FS; Rinella, Steven -FS
Cc: Hesch, Patricia -FS
Subject: Village of Wolf Creek LEX

Adam Poe is calling around looking for a date when the decision will be released. He first called Patricia, who then called me. I told her to have him call Adam M. Adam is in Lands Training for Line Officers this week. So then Adam Poe called me, and told me he couldn't get ahold of Adam M and asked me the same question. He said Red McCombs is getting "frustrated" and may "begin making calls to his friends in Washington." He wondered if "there is a light at the end of the tunnel". I did not give him any dates, but told him we are working hard on completing the NEPA and Lands packages and that I expected a decision to be released this fall. He asked if this is "anywhere on Dan Jiron's radar" and I affirmed that it was. I share this in case you receive a similar call.

[Jim Bedwell](#)

Director of Recreation, Lands, & Minerals

Rocky Mountain Region

USDA Forest Service

303-275-5135

Bedwell, Jim -FS

From: Bedwell, Jim -FS
Sent: Wednesday, October 22, 2014 4:56 PM
To: Gustafson, Maribeth -FS; Dallas, Dan -FS; Mendonca, Adam -FS; Ferebee, Brian -FS
Cc: Gates, Terri -FS; Sams, Jon E -FS; Crandall, Doug -FS
Subject: RE: Phone Call from Harry Adams - Wolf Creek access issue

I just got off the phone with Harry Adams (Patton Boggs in DC) and Clint Jones (attorney in Texas). We discussed the progress of the analysis and lands package for the village of Wolf Creek. I expressed that we were working very diligently on making sure that we had a solid and defensible package in light of the controversy and potential litigation of this case. They appreciated that, although said that they still don't understand why it takes so long. They are aware of the briefing "with the Chief and with the Dept" on the 28th and were advocating for a call that day to learn of the results on the briefing and learning when the decision would be made. I told them that once the briefing with the Chief is done, it doesn't mean that the one with the Dept would be immediate and it would be good to give a little time for that to occur. They said several times that Red was very frustrated and that "Red will do what Red will do" in terms of political contacts. It was a cordial if direct conversation, and ended with them proposing a call at 10:00 MDT on Thursday, October 29th.

Jon, can you check and see if that time can work for Dan J and Maribeth? Or identify an alternative? They said morning would be better than afternoon and Friday could be difficult for Red. Dan Dallas should also be included. I can let them know if you like, but will look to you to issue the final meeting invitation once it's nailed down.

I cc'd Brian to reduce any delays in information and Doug because I understand that Harry Adams contacted him today.

Jim Bedwell
 Director of Recreation, Lands, & Minerals
 Rocky Mountain Region
 USDA Forest Service
 303-275-5135

From: Sams, Jon E -FS
Sent: Wednesday, October 22, 2014 2:05 PM
To: Bedwell, Jim -FS
Subject: RE: Phone Call from Harry Adams (Red McCombs Enterprises)

Jim, based on what Terri just told me, it sounds like you'll be arranging the conference call with Harry Adams, Red McCombs and Clint Jones. Harry's phone number is: 210-268-8793.

Thank you.

Jon

From: Bedwell, Jim -FS
Sent: Wednesday, October 22, 2014 11:02 AM
To: Sams, Jon E -FS; Dallas, Dan -FS
Cc: Mendonca, Adam -FS; Bramer, Randall - OGC; Gustafson, Maribeth -FS
Subject: RE: Phone Call from Harry Adams (Red McCombs Enterprises)

In the absence of others, I would say that I would be Dan J's designee. Maribeth may have a different view.

An alternative would be for Dan D to call Mr. Adams before Friday and see if he can satisfy the need before then. What do you think, Dan?

I have been working on a couple of additions to the Comm plan for Brian Ferebee to use in briefing the Chief next Tuesday and have asked the RGNF for some specific info there. Mike Blakeman will be providing those soon and I'll get them out today.

Jim Bedwell
Director of Recreation, Lands, & Minerals
Rocky Mountain Region
USDA Forest Service
303-275-5135

From: Sams, Jon E -FS
Sent: Wednesday, October 22, 2014 10:40 AM
To: Dallas, Dan -FS
Cc: Mendonca, Adam -FS; Bedwell, Jim -FS; Bramer, Randall - OGC
Subject: Phone Call from Harry Adams (Red McCombs Enterprises)
Importance: High

Hi Dan,

Just received a call from Harry Adams of Red McCombs Enterprises regarding Wolf Creek.

Harry is insisting that a conference call take place this Friday afternoon with him, Red McCombs, Clint Jones and you and Dan Jiron.

Dan Jiron is on leave and business travel for meetings with Mary Wagner. Dan will not return to the office until Oct 29. Maribeth is traveling this week in Tucson and unavailable for a call. Bill Bass is attending meetings in Wyoming and may not return to Colorado until Friday afternoon.

Although this is the first I've heard of this request, Harry is expecting a call to take place this Friday, Oct 24, with you and Dan Jiron (or his designated representative).

How would you like to handle this request? Harry is expecting a return call this afternoon to arrange the call on Friday.

Thanks.

Jon



JON SAMS

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Caring for the land and serving people

Bedwell, Jim -FS

From: Bedwell, Jim -FS
Sent: Wednesday, October 22, 2014 10:25 AM
To: Blakeman, Mike -FS
Subject: RE: updated VWC Comm plan & Briefing paper

Mike, I got a call from the DRF this morning (she's on travel), who told me they need some updates to the Comm plan, so I'm doing a little more. They have questions about "Why is it taking so long?" (McCombs is rattling cages), and who would be in opposition, congressional interest, etc. See the new Q&A I did for the first one and the Q's I wrote to address the second one. You might be best to draft an answer for that one. Could you give it a shot and get back to me asap? I'll send it in the next message. Thanks!

Jim Bedwell
Director of Recreation, Lands, & Minerals
Rocky Mountain Region
USDA Forest Service
303-275-5135

From: Blakeman, Mike -FS
Sent: Wednesday, October 22, 2014 10:14 AM
To: Bedwell, Jim -FS
Subject: RE: updated VWC Comm plan & Briefing paper

Thanks Jim!

Mike Blakeman
Public Affairs Specialist
Rio Grande National Forest
719-852-6212 (o)
719-850-2360 (c)

From: Bedwell, Jim -FS
Sent: Monday, October 20, 2014 4:00 PM
To: Mendonca, Adam -FS; Blakeman, Mike -FS; Gustafson, Maribeth -FS
Cc: Baca, Valerie -FS; Robertson, Jason D -FS; Hesch, Patricia -FS
Subject: FW: updated VWC Comm plan & Briefing paper

Adam et al, Enclosed are my comments on the Comm plan and briefing paper. I think it looks good, but have provided a few edits that provide a bit more clarity to the public. Adam, I'd like to discuss this with you as I heard a few other comments about "containment messages". I'm in all week, but sooner is better than later. Thanks!

Jim Bedwell
Director of Recreation, Lands, & Minerals
Rocky Mountain Region
USDA Forest Service
303-275-5135

Gustafson, Maribeth -FS

From: Gustafson, Maribeth -FS
Sent: Thursday, October 30, 2014 8:25 AM
To: Bedwell, Jim -FS
Subject: RE: Call today.

Yep, and very charming.....

-----Original Message-----

From: Bedwell, Jim -FS
Sent: Wednesday, October 29, 2014 10:00 PM
To: Gustafson, Maribeth -FS
Subject: RE: Call today.

Sounds great. Was Red McCombs on the call?

-----Original Message-----

From: Gustafson, Maribeth -FS
Sent: Wednesday, October 29, 2014 5:51 PM
To: Bedwell, Jim -FS
Subject: RE: Call today.

Went very well. They expressed feeling better and more assured. We did not use actual dates but said we would send to Fed Register next week and it would take a week or so to be published. They will check in next week with Dan Dallas to see that all is on track. I promised to be on call if it was not on track for any reason.

-----Original Message-----

From: Bedwell, Jim -FS
Sent: Wednesday, October 29, 2014 5:35 PM
To: Gustafson, Maribeth -FS
Subject: Call today.

How did it go? Did you agree to a date?

Sent from my iPhone

Gustafson, Maribeth -FS

From: Gustafson, Maribeth -FS
Sent: Thursday, March 20, 2014 10:54 AM
To: Smith, Greg -FS
Cc: Bedwell, Jim -FS
Subject: Wolf Creek Briefing Paper

Greg,

Here is background information on the Wolf Creek issue we will brief you on later today.

I will also forward communication plan in a separate separate message.

Billy Joe "Red" McCombs is an 86 year old Texas billionaire that got his start as a car dealer in San Antonio. Mr. McCombs has also been involved in the energy business, owned sports teams and started up the Clear Channel Communications network of radio stations. Mr. McCombs has been a landowner in Southern Colorado for many years and has had a vision to develop Wolf Creek ski area from a small day-use area popular with locals into a full service all season resort. Mr. McCombs, however, is not the owner of the ski area. The Levell-McCombs joint venture proposed a land exchange to the Forest Service in the early 1980s to create a private inholding within the Forest that could be developed to provide overnight accommodations and commercial services at the ski area. The Forest Service initially turned down the proposal but reversed course several weeks later, without any explanation, and approved the land exchange. **It is commonly understood that Mr. McCombs brought political pressure to bear to realize his dream to develop the ski area.**

Years later Mr. McCombs sought access to the property under the Alaska National Interest Lands Conservation Act ("ANILCA"). There were allegations of undue political pressure which were investigated by OIG but Departmental and Forest Service employees were cleared of any improper activities. Nonetheless, allegations of improper influence by Mr. McCombs' employees over the 3rd party NEPA contractor continued to be made. The 1986 Forest Service ROD considered several alternatives for roaded access to the parcel and determined that only year-around snowplowed access on a two-lane road would be adequate access for a property of this type. However, litigation ensued and Judge Kane issued a preliminary injunction based, in part, on the allegations of improper influence and the concern that an adequate range of alternatives was not considered because the Forest Service deferred to the proponent's grand plans for the inholding.

There were ultimately 4 lawsuits in federal court (all presided over by Judge Kane) which included litigation between the ski area and Mr. McCombs. There was also one case in state court challenging the county's issuance of the PUD for the private development and the PUD was invalidated. The Forest Service and Mr. McCombs then settled with the environmental plaintiffs promising not to grant further access until a complete NEPA analysis was done. Mr. McCombs then arrived at the idea of a legislated land exchange and there were public meetings in the area with the local Congressional Delegation where tentative support was given to the land exchange idea but the local Congressman wanted the Forest Service to do an EIS so the public could be involved.

Ultimately, the Forest Service began the current EIS which considered both a land exchange and a road across NFS lands as alternative ways to get Mr. McCombs his ANILCA-mandated access. The land exchange alternative would simply move the parcel a little bit off the ski hill and adjacent to the highway so the parcel would have direct highway access without needing an easement to cross NFS lands. The project lead for Mr.

McCombs tried hard in the local community to sell the land exchange alternative as a kinder-gentler development scenario. In response to comment on the DEIS, the Forest Service redoubled its effort to evaluate "similarly situated" properties as required by its ANILCA regulations but could find no such properties in the area. The search was expanded to the Intermountain West and the Forest Service found approximately 7 ski areas where inholdings were being accessed over-the-snow for substantial residential or commercial uses. Based on this new analysis and Judge Nelson's recent 2013 decision in the *Breaker* case (Minnesota) that emphasized the obligation to consider "similarly situated" properties, the Forest determined that it must prepare a supplemental draft EIS to consider the possibility that "adequate" access to the private parcel could be had over-the-snow.

The Forest contacted Mr. McCombs to give him the news that it had decided it needed to do a supplemental draft EIS and could not issue a final decision on the request for access at this time. Mr. McCombs was predictably upset and it is expected that he will use every political avenue open to him to encourage the Forest Service to finalize its decision now. Mr. McCombs is represented in this matter by Steve Quarles of Crowell & Moring. The Forest has a call scheduled with Mr. McCombs for Thursday, March 27th, and believes that any major political push would come after that meeting. However, political contacts could begin at any time.

Maribeth Gustafson
Deputy Regional Forester, Operations
Rocky Mountain Region
303-275-5449

Dallas, Dan -FS

From: Dallas, Dan -FS
Sent: Friday, July 26, 2013 3:53 PM
To: Ghormley, Randy -FS
Subject: Re: Need to Update Environmental Baseline for WCV Land Exchange BA

I personally informed Red McColm of this need.

From: Ghormley, Randy -FS
Sent: Friday, July 26, 2013 09:47 PM Coordinated Universal Time
To: Mendonca, Adam -FS
Cc: Dallas, Dan -FS; Ghormley, Randy -FS
Subject: FW: Need to Update Environmental Baseline for WCV Land Exchange BA

Adam or Dan – I rec'd a call from FWS wanting to be ensured that someone from our Forest has informed Clint Jones of the need for this BA Supplement. In particular, they request that a message be relayed that the supplement process is likely to necessitate extension of the formal consultation period. As an applicant to our analysis for the VWC project, the FWS feels it is our responsibility to ensure that Clint has been informed of this need. He can then discuss with FWS the details of this extension.

I know Tom had contacted Adam Poe, but I could not affirm that Clint himself had been informed. The FWS asks that we ensure this is accomplished. Clint's contact info is:

Clint E. Jones
President
The Village at Wolf Creek, LLC
12117 Bee Caves Road
Suite 240
Austin, TX 78738
(512) 466-6695
clint@thevillageatwolfcreek.com

From: Ghormley, Randy -FS
Sent: Thursday, July 11, 2013 5:43 PM
To: Gelatt, Patty; Linner, Susan
Cc: kurt_broderdorp@fws.gov; Dallas, Dan -FS; Mendonca, Adam -FS; Malecek, Thomas -FS; Ghormley, Randy -FS; McDonald, Peter M -FS
Subject: Need to Update Environmental Baseline for WCV Land Exchange BA

Patty and Susan – this brief email is to inform you of our need and intent to update the environmental baseline for the WCV Land Exchange BA submitted to your office for formal consultation on May 1, 2013. This need is related to significantly changed conditions in at least two of the four lynx analysis units (LAUs) involved in that analysis, as well as within the Wolf Creek Pass Lynx Linkage Area (WCPLLA) itself, all of which were recently influenced by the West Fork Fire Complex. As the action agency responsible for the consultation and EIS, we intend to provide to your office a Supplemental Biological Assessment that will incorporate these updates for your consideration as new information relative to the effects of the proposed action under consideration.