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File Code: 1570  
Date: NOV 19 2018

Dear Objector,

We received your objection letter regarding the Village at Wolf Creek Access Project on the Rio Grande National Forest. The legal notice for the Draft Record of Decision (ROD), selecting Alternative 3, was published on July 21, 2018 in the Village Courier initiating the 45-day objection filing period. The objection period ran from July 22 to September 4, 2018. Your objection was timely. I have reviewed all objections to the 2014 Final Environmental Impact Statement (FEIS), Draft ROD, and project record in accordance with 36 CFR 218.

There was some confusion over the end date of the objection filing period due to an error on the Rio Grande National Forest website. The website incorrectly indicated that the last day was September 5, 2018. The regulations at 36 CFR 218.17 (c)(2)(ii) state “...*the publication date of the legal notice in the newspaper of record or Federal Register notice is the exclusive means for calculating the time to file an objection (see §§ 218.26(a) and 218.32(a)),... those wishing to object should not rely upon dates or timeframe information provided by any other source.*” The end date for the objection filing period was September 4, 2018; however, I read and considered all objections that came in on September 5, 2018 and addressed issues raised in those letters in my objection response.

I appreciate your interest in the management of the Rio Grande National Forest. The responses to your objection can be found in the attached document.

### Overview of Project

The Purpose and Need for Action is to allow Leavell-McCombs Joint Venture (LMJV) access its property to secure reasonable use and enjoyment thereof as provided in the Alaska National Interest Lands Conservation Act (ANILCA) and Forest Service regulations, while minimizing environmental effects to natural resources within the project area. The legal entitlement is defined by ANILCA and Forest Service regulations as a right of access to non-Federal land within the boundaries of the National Forest System. LMJV has proposed a land exchange to satisfy its access needs in addition to its application for road access. The Forest Service has evaluated both the land exchange and the application for road access as alternative means of providing legal access.

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Alternatives: Three alternatives were analyzed in detail.

**Alternative 1, No Action.** Under the No Action Alternative, LMJV has vehicular access to the private parcel via Forest Service Road 391 during those periods when this road is snow-free, generally mid-June through September. Under this alternative there would be no additional road access provided to the roughly 288-acre private land inholding.



**Alternative 2, Land Exchange.** This alternative would be a land exchange between the United States and LMJV. This alternative proposes that LMJV would convey approximately 177 acres of non-Federal lands to the Rio Grande National Forest in exchange for approximately 205 acres of National Forest System lands managed by the Rio Grande National Forest. The 177-acre non-Federal exchange parcel to be conveyed to the United States encompasses the southern and western portions of the private land inholding, and the 205-acre Federal exchange parcel is located to the north, east and south of the private land inholding. This exchange would create a private land parcel of roughly 325 acres extending to Hwy 160, and would accommodate year-round vehicular access.

**Alternative 3, ANILCA Road Access.** Alternative 3 would be an access road across National Forest System lands between Hwy 160 on the north and the private land inholding on the south. The road would be approximately 1,612 feet in length and would be within a 60-foot corridor with a total area of approximately 2 acres for the Low Density Development Concept, or within a 100-foot corridor with a total area of roughly 3.70 acres for the Moderate and Maximum Density Development Concepts. (The development concepts of the Action Alternatives are described in Section 2.4 of the FEIS.)

The area of the private land inholding included in this alternative is approximately 288 acres. As with Alternative 2, the existing Tranquility Road would be extended east across roughly 529 feet of National Forest System lands to provide access between the inholding and the Wolf Creek Ski Area, and would provide limited, restricted and seasonal access between Hwy 160 and the private land inholding. Tranquility Road would also provide a route for emergency access/egress.

**Conclusion:**

I find that the analysis in the project record supports the rationale contained in the Draft ROD for the Responsible Official's Proposed Action – Alternative 3 ANILCA Road Access. Objectors suggested remedies are denied. However, I am instructing the responsible official, Dan Dallas, Rio Grande National Forest Supervisor that the following conditions must be met:

1. The Biological Opinion on the Village at Wolf Creek Access Project must have been received from the U.S. Fish and Wildlife Service before issuing the Final ROD
2. The land exchange in Alternative 2, which was selected in the 2015 Final ROD, must be unwound before the decision can be implemented.

If you have any questions or concerns regarding this letter, please contact Christopher Wehrli, Environmental Coordinator, at 303-275-5108 or [clwehrli@fs.fed.us](mailto:clwehrli@fs.fed.us). This response is not subject to further administrative review by the Forest Service or the Department of Agriculture pursuant to 36 CFR 218.11(b)(2).

Sincerely,



TAMARA WHITTINGTON  
Deputy Regional Forester

Enclosure

cc: [clwehrli@fs.fed.us](mailto:clwehrli@fs.fed.us), [jennasloan@fs.fed.us](mailto:jennasloan@fs.fed.us), [ddallas@fs.fed.us](mailto:ddallas@fs.fed.us)