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PRESS RELEASE RESPONDING TO FALSE STATEMENTS

The blog posts, Facebook posts, website posts, and public releases from Friends of Wolf Creek and associated groups contain many false statements. These posts apparently seek to induce others to interfere with LMJV's application for road access to its private property located near the Wolf Creek Ski Area using false statements. Interference with property or contractual rights through the use of false and fraudulent statements is at best, a misleading tactic.

The postings are false in the following respects:

1. No court has called the environmental impact statement performed in 2015 an "artful dodge." The court was critical of the land exchange concept for providing access to LMJV's private land. The current draft ROD has nothing to do with that decision and simply recognizes LMJV's legal right to access to its land.
2. The U.S. Forest Service has placed no limits on who can comment on the draft ROD. The Forest Service is consistently applying the law which provides that *only those who commented on the draft EIS in 2012 are qualified to file a formal objection to the new draft ROD*. That is because the 2014 FEIS fully analyzed both road access to LMJV's original private property and the land exchange. Only the land exchange was challenged in the prior litigation and that decision is on appeal to the Tenth Circuit Court of Appeals which denied the plaintiffs' motion to dismiss or stop the appeal and required plaintiffs to brief the issue.
3. The federal court has never held that the environmental or other analysis for road access to the original inholding was flawed. That issue was not even presented to the district court.
4. There is no evidence to support the statement that the Village will irreparably harm any wildlife corridor. To the contrary, the only scientific evidence available is that the Village comprises an infinitely small portion of the alleged lynx range established following reintroduction of the Canada Lynx to Colorado. All available scientific evidence is that neither the road nor the village will jeopardize the Canada Lynx.
5. The majority of the written comments received during the administrative process for LMJV's access request have been in favor of, not opposed to, the project.
6. The new decision has never been determined to be illegal. That is a flatly false statement. The current draft ROD is for road access to LMJV's original inholding and has nothing to do with the land exchange. The court objected to the land exchange because the Forest Service, according to the court, misunderstood its rights in connection with the exchange. That decision by the trial court remains on appeal. However, regardless of whether that decision is correct, the new draft ROD approves a different form of access, relies on different legal concepts, and has never been determined to be illegal.

7. The new draft ROD has not been found to fail to protect the Lynx. The new draft ROD includes new conservation measures that have never been ruled on by any court. They call for increased spending, complete control over available funds by groups other than the developer, and even include a provision for replacement of any lynx injured or killed during the project.

8. There is no back-room deal. To allege otherwise is clearly defamatory and false. The new draft ROD is the result of the Forest Service's recognition that LMJV is legally entitled to access to its private property. LMJV's land was acquired at great cost. Millions of dollars were spent to acquire other land, which LMJV then conveyed to the federal government in order to acquire the land near the Wolf Creek Ski Area. Although the public has received the benefit of the land relinquished by LMJV for more than 30 years, LMJV has been deprived of the use of its land near Wolf Creek. *Because the so-called conservation groups sued to stop the land exchange, the public has been deprived of the land exchange alternative which was universally recognized as the more environmentally favorable alternative.* Although LMJV continues to seek the appeals court's approval of the exchange for exactly this reason, it is legally entitled to begin accessing its core private land. In addition, there is absolutely no evidence to suggest any improper influence or other agreements were made for this road access. LMJV has rights as a private property owner of land surrounded by government land. Among those rights is the right to seek access to its land which it did through its January 2018 access request. Such access is often granted by specific legislation, which LMJV is free to pursue; by administrative action, which LMJV is free to pursue; or by court order, which LMJV would have pursued in the absence of prompt administrative action. To the contrary, it is the plaintiffs in the pending lawsuits who went to Washington D.C., and have lobbied and interfered with this simple exercise of legal rights by LMJV. Moreover, LMJV has conducted itself completely in accord with a settlement agreement reached with the plaintiffs in 2010. That agreement set forth permissible communications and plaintiffs agreed to those protocols. To say that following those protocols constitutes anything improper is false and misleading.

LMJV has no interest in preventing any person from expressing a view on the draft ROD issued by the Forest Service. Just as LMJV has the right to petition its government for action that favors its private property rights, the public has the right to free expression. However, it is not part of that right for third-party organizations, such as Friends of Wolf Creek, to solicit funding through false statements, to interfere with LMJV's lawful right of access to its property through false and fraudulent statements, or to seek to induce others to oppose LMJV's request, through the use of false and fraudulent statements.

The public deserves truth and transparency from all parties. False, fraudulent, defamatory, and misleading statements are a disservice to the public and fail to provide accurate and truthful information.