

KEN SALAZAR  
COLORADO



## United States Senate

WASHINGTON, D. C. 20510 - 3903

May 16, 2006

Phyllis Fong, Inspector General  
United States Department of Agriculture  
P.O. Box 23399  
Washington, DC 20026

Dear Ms. Fong:

I request that you conduct an investigation to determine if political influence within the Department of Agriculture was improperly or illegally exerted in the permit review process of the U.S. Forest Service (USFS) for the proposed Village at Wolf Creek. I have contemporaneously asked Secretary Johanns to suspend any further action on the pending permit application and review process, until after your investigation is complete. A copy of my letter to Secretary Johanns is attached.

No one, on either side of this controversial project, denies that the Village at Wolf Creek – should it go forward – will have a substantial impact on the people, communities and environment of southwestern Colorado. Because of the size and scope of the proposed project, it is incumbent upon government agencies and decision makers at all levels to conduct their reviews and base their findings and decisions on the best information and science available, in an open and fair process, free of political influence.

I make this request because the integrity of the review process has been called into question by a former high ranking USFS individual familiar with the facts. I believe that the USDA and USFS have an obligation to investigate those allegations thoroughly and completely.

Both before and after the USFS issued its Record of Decision and Final Environmental Impact Statement on this permit request, allegations were made that high level officials in the Department of Agriculture improperly intervened in the USFS process.

Ed Ryberg, who was involved in the Wolf Creek permit review process in his capacity as the Regional Winter Sports Program Coordinator of USFS Region 2, alleges that the “no action” alternative for environmental review was improperly framed. In fact, this allegation is supported by the USFS Record of Decision, itself. Prior to the USFS decision on the scope of the environmental review for this project, the developers asserted that they would proceed with the development, even if the requested right-of-way was denied. The developers represented they could and would develop the property by using the existing access on a seasonal, narrow and barely improved road. The USFS

accepted without challenge the developers' assertion that the development would proceed regardless of the USFS decision on the permit application. Therefore, the no action alternative of the EIS assumed the developers would construct the development even if the requested right-of-way was denied. This assumption was wrong. As a result of this erroneous conclusion, the EIS did not consider any of the environmental impacts of the development itself, and focused only on the impacts of the requested right-of-way.

Indeed, in the Record of Decision, the Forest Supervisor has now stated that the existing, limited access is not adequate for the proposed development. *Record of Decision, March 2006, at 14*. Therefore it seems that the scoping of the environmental review was in error. Mr. Ryberg alleges that improper political pressure led to this improper limitation of the environmental review.

These allegations raise questions about the legality and the integrity of the USDA and USFS permit review process regarding the Village at Wolf Creek. The developers of this project, the public, and the U.S. Department of Agriculture all have an interest in a prompt and thorough investigation of these allegations. Please conduct a thorough investigation of all pertinent USDA and USFS records and personnel and advise me of your conclusions.

Sincerely,

A handwritten signature in blue ink that reads "Ken Salazar". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Ken Salazar  
United States Senator

Copy: Secretary Mike Johanns  
U.S. Department of Agriculture

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COLORADO



**United States Senate**  
WASHINGTON, D. C. 20510 - 3903

May 16, 2006

Honorable Mike Johanns  
Secretary, United States Department of Agriculture  
1400 Independence Avenue  
Washington D.C. 20250

Dear Secretary Johanns:

I have written separately to Inspector General Fong to request an investigation to determine if improper political influence was involved in a permit review process of the U.S. Forest Service for the proposed Village at Wolf Creek, to be located in southwestern Colorado. A copy of that letter is attached. I respectfully request that you suspend any further action on the pending permit application and review process until the investigation is completed.

The proposed Village at Wolf Creek would be an intensive residential and commercial development high in the headwaters of the Rio Grande River in the Rio Grande National Forest. All observers and participants recognize that this development would have a substantial impact on the people, communities and environment of southwestern Colorado. Because of these potential impacts, and because of the public attention focused on this proposed project, it is essential that all permitting decisions are based on the best information and science available, free of political influence.

I have requested an Inspector General investigation because the integrity of the review process has been called into question by individuals familiar with the facts, as outlined in the attached letter to Inspector General Fong. I believe that the USDA and USFS have an obligation to investigate those allegations thoroughly and completely, for the good of the Department of Agriculture, the Forest Service, the permit applicant and the public.

Please direct that this investigation be undertaken as soon as possible and that all action on the permit be suspended pending completion of the investigation. I look forward to your response to these requests.

Sincerely,

A handwritten signature in blue ink that reads "Ken Salazar".

Ken Salazar  
United States Senator