



Taos Valley Acequia Association

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James Duran, Forest Supervisor
c/o Paul Schilke, Winter Sports Coordinator
P.O. Box 110
Questa, NM 87556

Re: Taos Ski Valley Gondola and Other Improvements Project

Dear Supervisor Duran:

My name is Judy Torres and I am the Director of the Taos Valley Acequia Association (TVAA). TVAA provides the following scoping comments on the "Taos Ski Valley Gondola and Other Improvements Project." TVAA is a grass roots organization of acequia and community ditches working to protect acequia and agricultural water rights in the Taos Valley. TVAA's mission is to ensure the long-term sustainability of traditional agricultural communities of the Taos Valley by protecting water rights and preservind and strengthening the acequia system. TVAA

We strongly urge the Carson National Forest to conduct a full environmental impact statement (EIS) to meaningfully address the many negative ecological and environmental justice impacts, including cultural and socioeconomic impacts, the "Taos Ski Valley Gondola and Other Improvements Project" (Project) will have on my acequia, community, the Rio Hondo Watershed, and Taos valley.

The following concerns demonstrate the reasonably foreseeable, harmful and significant negative impacts this Project will have on my acequia, community, the Rio Hondo Watershed and Taos valley, which must be addressed in an environmental impact statement rather than through a brief and insufficient environmental assessment. The Project's direct, indirect and cumulative adverse effects will disproportionately impact historically marginalized communities including Pueblos, acequias and land grants, therefore triggering numerous environmental justice requirements under the National Environmental Policy Act (NEPA), its implementing regulations, and several executive orders. CNF has the responsibility of ensuring that all of the Project's adverse effects are meaningfully and equitably addressed. Most importantly, the EIS must include a No Action Alternative analysis.

The Taos Valley Acequia Association ensures the long-term sustainability of traditional agricultural communities of the Taos Valley by protecting water rights and preserving and strengthening the acequia system.

I. Environmental Justice Concerns, Including Cultural and Socioeconomic Impacts, that Must Be Addressed in an EIS:

- The EIS must take a hard look at whether Tribes, Pueblos, acequia, land grant and other environmental justice communities have been sufficiently involved in the decision-making process. This includes whether CNF has engaged in tribal consultation prior or during this scoping phase, consultation with impacted acequias and land grants, and with other environmental justice communities. This also includes whether CNF has invited Tribes, Pueblos, acequias and/or land grants with political subdivision of the state status to serve as cooperating agencies in the NEPA process, and whether traditional ecological knowledge is being centered in the NEPA process.
- The EIS must also take a hard look at how traditional land-based communities including Tribes, Pueblos, acequias, and land grants currently suffer and have historically suffered, from environmental and health risks or hazards, and from large-scale development projects such as the Proposed Action.
- With respect to natural resources such as water, land and wildlife, the EIS must include Tribal, Pueblo, acequia, and land grant dependence on natural resources for their economic base, as well as the cultural values that the Tribe, Pueblo, acequia, or land grant community places on water, land and wildlife at risk by the Proposed Action.
- The EIS must also include an analysis of the socioeconomic impacts to environmental justice communities, specifically addressing the Proposed Action's contribution to low-wage seasonal employment, skyrocketing demand for short-term housing rentals, unsustainable population growth, increased stress to public services, and overall decreased quality of life.

II. Water Resource Concerns that Must Be Addressed in an EIS:

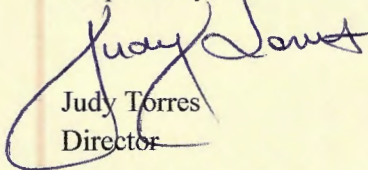
- Generally, the EIS must take a hard look at the direct, indirect, and cumulative impacts of the Proposed Action on all surface water and groundwater resources. This includes analyzing the potential impacts to water quality, groundwater supplies, surface water supplies including drinking water, and aquatic wildlife. Special consideration must be given to project elements that threaten traditional agricultural water supplies for impacted acequias. Baseline data is also needed to meaningfully analyze these impacts.
- Specifically, the Proposed Action seeks to install a septic system or sanitary sewer line based on engineering recommendations, with water supplies coming from an onsite well to support the on-mountain guest service facility at the top of Lift 7 and the new Whistle Stop Cafe building. These developments would not only require significant quantities of water, but they would also likely impact water quality in the project area, as well as the greater Rio Hondo Watershed. For example, disturbance of soils along the Lake Fork of

the Rio Hondo for installation of the gondola and all its towers would result in impacts to surface waters, therefore requiring diligent analysis and collection of baseline data. The EIS must therefore take a hard look at the Proposed Action's impacts to water resources, mitigation measures, long-term monitoring of water quality and volume, and a No Action Alternative. Any mitigation measures identified in the EIS must include detailed measures to protect the integrity of the Rio Hondo headwaters through all phases of the project.

- Also specifically, the Proposed Action seeks to utilize a 65.2 million gallon water tank (annually storing a diversionary right of 200 acre-feet) and booster station near Lift #2. The EIS must take a hard look at whether this action will result in over-appropriation of the Taos Ski Valley's 200 acre-feet water right and conditions of approval associated with the Taos Ski Valley's water rights permit. For example, while Taos Ski Valley, Inc. holds a diversionary right of 200 acre-feet, this water right is severely constrained by the permit condition limiting consumption to only 21.42 acre feet, and a hard cap of only 0.11 acre feet of daily consumptive use between April 11th and October 25th of each year. The EIS must analyze whether the Taos Ski Valley, Inc. has sufficient water rights to implement the proposed project actions, must clearly identify the source and usage of water to be pumped up the mountain, and must analyze effects of removing water from the Rio Hondo Watershed, including the water needed to replenish the tank on a regular basis.

Thank you for considering my comments. This NEPA scoping process is an opportunity for CNF to equitably engage with traditional, land-based communities that have been historically marginalized by CNF project permits and associated water and land management decisions. Inclusion of environmental justice stakeholder concerns will ensure compliance with NEPA and other applicable laws, and will result in a meaningful, equitable analysis of the Proposed Action's impacts.

Respectfully,



Judy Torres
Director