



May 6, 2022

James Duran, Forest Supervisor

Sent via CNF's public comment portal at:

<https://cara.fs2c.usda.gov/Public//CommentInput?Project=61390>

Re: Taos Ski Valley Gondola and Other Improvements Project

Dear Supervisor Duran:

The New Mexico Acequia Association (NMAA) provides the following scoping comments on the “Taos Ski Valley Gondola and Other Improvements Project.” NMAA is a statewide, grassroots organization of acequias and community ditches working to protect acequias and agricultural water rights through community education, organizing, and advocacy. Our mission is to protect water and acequias, support agriculture, and to honor our cultural heritage. Of particular concern to NMAA and local acequias to be impacted by this Project is the protection of vital community and cultural assets, of New Mexico's unique cultural heritage, and of our most precious resource – water. We therefore join with, and incorporate by reference, the scoping comments of Amigos Bravos and the Friends of the Rio Hondo.

The Project at issue would occur within and near environmental justice communities, therefore triggering environmental justice requirements provided in the National Environmental Protection Act (NEPA) and its implementing regulations, as well as in several executive orders.¹ Of note, the United States Department of Agriculture (USDA) recently issued its Equity Action Plan, in support of Executive Order 13985 Advancing Racial Equity and Support to Underserved Communities, acknowledging its long history of inequity and discrimination, committing to rooting out systemic racism, and “advancing justice, equity, and opportunity for all.”² It is important to remember that when President Lincoln signed legislation establishing the USDA (of

¹ 42 U.S.C. §4321, *et seq.*; 40 C.F.R. 1508.14; *and* Executive Order 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (February 11, 1994, as amended) (<https://www.archives.gov/files/federal-register/executive-orders/pdf/12898.pdf>, last accessed April 14, 2022); *and* Executive Order 13985 Advancing Racial Equity and Support for Underserved Communities Through the Federal Government” (<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>, last accessed on April 14, 2022).

² <https://www.usda.gov/media/press-releases/2022/04/14/usda-releases-equity-action-plan>, last accessed April 14, 2022.

which the Forest Service is an agency), he referred to this department as “the People’s Department.”³ With these environmental justice mandates⁴ in mind, we strongly urge the Carson National Forest (CNF) to conduct a full environmental impact statement (EIS) to meaningfully address the Project’s many harmful ecological and environmental justice impacts to acequias, the Rio Hondo Watershed, and the Taos Valley. Most importantly, a No Action Alternative must be analyzed in either an EIS or an EA.

NMAA’s concerns focus on two primary categories. In Section I, environmental justice concerns that must be addressed in an EIS are identified. In Section II, water resource concerns that must be addressed in an EIS are identified. In Section III, procedural concerns with the public notice for this scoping process are discussed. Finally, as previously stated, NMAA incorporates by reference the many additional ecological concerns raised by Amigos Bravos and the Friends of the Rio Hondo in their respectively submitted scoping comment letters. The following concerns demonstrate the reasonably foreseeable, harmful, and significant negative impacts this Project will have on acequias, the community, the Rio Hondo Watershed and the Taos Valley, which must be addressed in a robust environmental impact statement rather than through a brief and insufficient environmental assessment.

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 knowledge⁵ is being centered in the NEPA process. NMAA strongly encourages CNF to invite the Taos Valley Acequia Association and surrounding acequias that will be impacted by the Project to participate as cooperating agencies.

³ USDA Equity Plan, p. 2 (April 14, 2022), <https://www.usda.gov/media/press-releases/2022/04/14/usda-releases-equity-action-plan>, last accessed April 14, 2022.

⁴ See also “Promising Practices for EJ Methodologies in NEPA Reviews” (March 2016), developed by the federal Environmental Justice Interagency Working Group (EJIWG), https://www.epa.gov/sites/default/files/2016-08/documents/nepa_promising_practices_document_2016.pdf, last accessed April 14, 2022; and also the White House Council on Environmental Quality (CEQ)’s “Environmental Justice: Guidance Under the National Environmental Policy Act” (December 1997), https://www.epa.gov/sites/default/files/2015-02/documents/ej_guidance_nepa_ceq1297.pdf, last accessed April 14, 2022.

⁵ “Indigenous Traditional Ecological Knowledge and Federal Decision Making” Memorandum (November 2021), <https://www.whitehouse.gov/wp-content/uploads/2021/11/111521-OSTP-CEQ-ITEK-Memo.pdf> (last accessed May 6, 2022).

- 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 build a water tank 150 feet in diameter and 50 feet tall, a booster station and additional snowmaking pipes to store and utilize 65.2 million gallons of water annually (the new water tank would

hold 5 million gallons of water). 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 right 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.

III. Procedural Concerns with Public Notice and CNF's Electronic Public Comment Portal:

A. The April 7, 2022 Public Notice of Scoping Period Violates 36 CFR § 218.24(b)(4).

Federal regulations provide detailed requirements that must be met when publishing notice of an opportunity to comment on proposed projects and activities. The Project at issue is subject to NEPA and its implementing regulations, including regulations specific to project-level proposals not authorized under the Healthy Forests Restoration Act. 36 CFR § 218.24(b)(4) expressly provides the following, in pertinent part:

For a proposed project or activity to be analyzed and documented in an environmental assessment (EA), a statement that the opportunity to comment ends 30 days following the date of publication of the legal notice in the newspaper of record (see § 218.25(a)(2)); as newspaper publication dates may vary, ***legal notices shall not contain the specific date.***

36 CFR § 218.24(b)(4), emphasis added.

CNF published on April 7, 2022 in the Taos News notice of the public scoping comment period on the Project.⁶ The notice included a specific date by which the CNF would like to receive comments - May 7, 2022 – in direct violation of 36 CFR § 218.24(b)(4). The May 7th deadline date is also two days before the actual deadline for the public to submit scoping comments.⁷ This defective notice could result in rendering any final EIS or EA invalid, particularly since it not only violates the law on its face, but its likely effect is substantial interference with the public's legally entitled opportunity to provide public comment.

⁶ <https://www.fs.usda.gov/project/?project=61390> (last accessed May 6, 2022).

⁷ See 36 CFR § 218.25(a)(iv)(2), computation of the comment period. Since notice of the public scoping comment period was published on April 7, 2022, the deadline is 30 days from that date, putting the deadline at May 7, 2022, except the computation of time regulation requires that “when the time period expires on a Saturday, Sunday or Federal holiday, comments shall be accepted until the end of the next Federal working day (11:59 p.m. in the time zone of the receiving office for comments filed by electronic means such as email or facsimile).”

Unfortunately, the CNF has caused further confusion regarding the public comment deadline by providing to the public two other deadline dates. First, the CNF issued an April 1, 2022 “Dear Interested Party” Scoping Notice Letter, which is also posted on the Project website.⁸ In this letter, the CNF requested the public to submit comments “by close of business on May 6, 2022” – three days before the actual public scoping comment deadline.⁹ Second, the CNF has posted on its public comment portal the following: “Your comments are requested by 5/9/2022.”¹⁰

NMAA received several inquiries about what the actual deadline date is and why there were three different dates being provided to the public. Not only did the CNF needlessly cause significant confusion regarding the deadline date, but the CNF project website and public comment portal repeatedly experienced technical issues, as discussed below.

B. The CNF Public Comment Portal Technical Deficiencies Have Interfered with the Public’s Ability to Provide Scoping Comments.

NMAA prepared an action alert on May 3rd for acequia leaders and parciantes regarding the upcoming deadline to submit public comments on the Project. In the process of preparing this action alert, NMAA noticed that the CNF Project website link had stopped working, along with the CNF public comment portal that is the only option for the public to electronically submit comments. NMAA staff immediately emailed and called the Project coordinator, Paul Shilke, about these technical issues and how they were interfering with our ability to educate acequia community members about the Project and the upcoming deadline, as well as with the general public’s ability to submit electronic comments. While on the phone with Mr. Shilke, the web links inexplicably started working again.

NMAA then sent out its action alert at 5:15 p.m. Since that time, NMAA has received several emails from individuals stating they could not submit their comment via the CNF public comment portal due to technical issues. Screenshots¹¹ sent to NMAA show the following notice after individuals attempted to submit their comments via the CNF public comment portal:

An error occurred while processing your request – Error executing child request for handler ‘System.Web.Mvc.HttpHandlerUtil+ServerExecuteHttpHandlerWrapper’

Submitting an electronic comment via the CNF public comment portal is a lengthy process, requiring an individual to fill out numerous text boxes. For one to go through that lengthy process to only have her or his comment denied due to a technical error is likely to discourage that individual from trying to submit a comment again. NMAA notified CNF staff of this issue on the morning of May 5th, asking when and how the CNF will address this technical issue and if the deadline could be extended due to the many issues with notice and with the Project website and public comment portal. CNF staff denied NMAA’s request to extend the

⁸ <https://www.fs.usda.gov/project/?project=61390> (last accessed May 6, 2022).

⁹ 36 CFR § 218.25(a)(iv)(2).

¹⁰ <https://cara.fs2c.usda.gov/Public//CommentInput?Project=61390> (last accessed May 6, 2022).

¹¹ Two emails with screenshots are attached to this letter.

public comment deadline and did not answer questions pertaining to when and how the technical issues would be corrected.¹²

IV. Conclusion.

In light of the defective notice, needless confusion created by the CNF regarding the public comment deadline, and the numerous technical issues with the Project website and public comment portal that CNF has not addressed in a timely manner, NMAA respectfully requests that the CNF reissue notice of the public scoping comment period. Moreover, NMAA requests that the CNF follow 36 CFR § 218.24(b)(5) and provide a 45-day public comment scoping period for an EIS. Doing so will ensure inclusion of historically marginalized land-based communities and compliance with the numerous environmental justice requirements of NEPA, its implementing regulations, and several executive orders and memoranda.

Respectfully,

A handwritten signature in black ink that reads "Paula Garcia". The signature is written in a cursive style with a large initial "P" and "G".

Paula Garcia, Executive Director
New Mexico Acequia Association

¹² See attached emails between NMAA and CNF staff.



Jaimie Park <jaimie@lasacequias.org>

[Redacted]

[Redacted] > Thu, May 5, 2022 at 10:30 PM
to: Jaimie Park <jaimie@lasacequias.org>, [Redacted]

[Redacted]

CNF Website Portal down again. Cannot submit letters and they are due tomorrow. I am going to email CNF right now and I think everyone else should too!
They need to extend the comment period...

[Redacted]

Attachment A

[Go back to main project page](#)

[Español](#)

Taos Ski Valley Improvements #61390

Commenting on This Project

The Forest Service values public participation. Communications from the public regarding this project, including commenters' names and contact information, will become part of the public record. Comments, including anonymous comments, will be accepted at any time. However, comments posted after the close of a designated comment period may not be able to be given full consideration. Anonymous comments and comments submitted after the close of the final designated comment period will not provide the commenter standing for administrative review. Comments, or in some cases other expressions of interest, along with respondent's contact information, submitted during the comment period may be necessary to establish a respondent's eligibility to participate in an administrative review for this proposed action. Interested members of the public should review the proposal's information to determine the applicable administrative review process and the eligibility requirements for that process.

- The date of the legal notice of opportunity to comment on this proposed action is the exclusive means for calculating the comment period.
- For proposals to be documented with an Environmental Assessment, the legal notice announcing the comment period appears in the Newspaper of Record.
- For Draft Environmental Impact Statements, the Notice of Availability announcing the comment period appears in the Federal Register.

Your comments are requested by 5/9/2022.



Ecosystem Management Coordination
CARA | Comment Analysis and Response Application

Application Error

An error occurred while processing your request - Error executing child request for handler 'System.Web.Mvc.HttpHandlerUtil+ServerExecuteHttpHandlerWrapper'.

For more information about CARA, please visit the [support page](#).

You may also report this error to the CARA Admin at the following page:
[eMNEPA Support](#)

Please include a brief description of repeatable actions which have generated this error.

Thank you,
CARA Support team

[Go Back To Previous Page](#)

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Inner Exception: System.Web.HttpUnhandledException (0x80004005): Exception of type 'System.Web.HttpUnhandledException' was thrown. ---> System.ArgumentNullException: Value cannot be null. Parameter name: source at System.Linq.OrderedEnumerable`2..ctor(IEnumerable`1 source, Func`2 keySelector, IComparer`1 comparer, Boolean descending) at Aquilent.Cara.Domain.Project.get_Documents() at Aquilent.Cara.Domain.Phase.get_Documents() at Aquilent.Cara.WebApp.Models.PublicCommentInputViewModel.get_DmdDocumentViewModel() at ASP.views_public_commentinput_aspx.__RenderContent2(HtmlTextWriter __w, Control parameterContainer) in d:\inetpub\USDA-CARA\WebApps\CARA\wwwroot\Views\Public\CommentInput.aspx:line 62 at System.Web.UI.Control.RenderChildrenInternal(HtmlTextWriter writer, ICollection children) at System.Web.UI.Control.RenderControlInternal(HtmlTextWriter writer, ControlAdapter adapter) at ASP.views_shared_nepa_master.__Render__control1(HtmlTextWriter __w, Control parameterContainer) in d:\inetpub\USDA-CARA\WebApps\CARA\wwwroot\Views\Shared\Nepa.Master:line 30 at System.Web.UI.Control.RenderChildrenInternal(HtmlTextWriter writer, ICollection children) at System.Web.UI.Control.RenderControlInternal(HtmlTextWriter writer, ControlAdapter adapter) at System.Web.UI.Control.RenderChildrenInternal(HtmlTextWriter writer, ICollection children) at System.Web.Mvc.ViewPage.Render(HtmlTextWriter writer) at System.Web.UI.Control.RenderControlInternal(HtmlTextWriter writer, ControlAdapter adapter) at System.Web.UI.Page.ProcessRequestMain(Boolean includeStagesBeforeAsyncPoint, Boolean includeStagesAfterAsyncPoint) at System.Web.UI.Page.HandleError(Exception e) at System.Web.UI.Page.ProcessRequestMain(Boolean includeStagesBeforeAsyncPoint, Boolean includeStagesAfterAsyncPoint) at System.Web.UI.Page.ProcessRequest(Boolean includeStagesBeforeAsyncPoint, Boolean includeStagesAfterAsyncPoint) at System.Web.UI.Page.ProcessRequest() at System.Web.UI.Page.ProcessRequest(HttpContext context) at ASP.views_public_commentinput_aspx.ProcessRequest(HttpContext context) in c:\Windows\Microsoft.NET\Framework64\v4.0.30319\Temporary ASP.NET Files\root\{a0e10f49\ec171bd2}\App_Web_dopaj03v.2.cs:line 0 at System.Web.Mvc.HttpHandlerUtil.ServerExecuteHttpHandlerWrapper.<>c__DisplayClass4.b__3() at System.Web.Mvc.HttpHandlerUtil.ServerExecuteHttpHandlerWrapper.Wrap[TResult](Func`1 func) at System.Web.HttpServerUtility.ExecuteInternal(IHttpHandler handler, TextWriter writer, Boolean preserveForm, Boolean setPreviousPage, VirtualPath path, VirtualPath filePath, String physPath, Exception error, String queryStringOverride)

Controller: Public
Action: CommentInput

Stack Trace: at System.Web.HttpServerUtility.ExecuteInternal(IHttpHandler handler, TextWriter writer, Boolean preserveForm, Boolean setPreviousPage, VirtualPath path, VirtualPath filePath, String physPath, Exception error, String queryStringOverride) at System.Web.HttpServerUtility.Execute(IHttpHandler handler, TextWriter writer, Boolean preserveForm, Boolean setPreviousPage) at System.Web.HttpServerUtility.Execute(IHttpHandler handler, TextWriter writer, Boolean preserveForm) at System.Web.Mvc.ViewPage.RenderView(ViewContext viewContext) at System.Web.Mvc.ViewResultBase.ExecuteResult(ControllerContext context) at System.Web.Mvc.ControllerActionInvoker.<>c__DisplayClass14.b__11() at System.Web.Mvc.ControllerActionInvoker.InvokeActionResultFilter(IResultFilter filter, ResultExecutingContext preContext, Func`1 continuation) at System.Web.Mvc.ControllerActionInvoker.InvokeAction(ControllerContext controllerContext, String actionName)

On 5/4/22 12:55 PM, Jaimie Park wrote:
[Quoted text hidden]



Jaimie Park <jaimie@lasacequias.org>

URGENT: comment portal is not working

Dressler, Don- FS <Donald.Dressler@usda.gov>

Wed, May 4, 2022 at 2:09 PM

To: Jaimie Park <jaimie@lasacequias.org>

Cc: "West, Bryan - FS" <bryan.west@usda.gov>, "Schilke, Paul -FS" <paul.schilke@usda.gov>

I appreciate the follow up.

As I stated earlier today, we will be using May 9th as the close of the scoping period. This is consistent with the legal notice and the regulations governing comments on proposed projects and activities. The legal notice states: *“Written comments will be accepted for 30 calendar days following the publication of the legal notice. The publication date in the newspaper of record (Taos News) is the exclusive means for calculating the comment period. The regulations prohibit extending the length of the comment period.”* I refer you to 36 CFR § 218.25(a)2 as to how the additional days were determined.

As for the submittal of comments through the online portal (<https://cara.fs2c.usda.gov/Public//CommentInput?Project=61390>), we have verified that it is currently functional. The legal notice also provides instructions on how to submit written comments in addition to the ability to submit electronic comments through the project website.



Don Dressler
Mountain Resort Program Manager

Forest Service

Rocky Mountain Region

p: 720-391-0626
donald.dressler@usda.gov

1617 Cole Blvd., Bldg 17
Lakewood, CO 80401
www.fs.fed.us



Caring for the land and serving people

From: Jaimie Park <jaimie@lasacequias.org>

Sent: Wednesday, May 4, 2022 1:06 PM

To: Dressler, Don- FS <Donald.Dressler@usda.gov>

Cc: West, Bryan - FS <bryan.west@usda.gov>; Schilke, Paul -FS <paul.schilke@usda.gov>

Attachment B

Subject: [External Email]Re: FW: FW: [External Email]URGENT: comment portal is not working

[External Email]

If this message comes from an **unexpected sender** or references a **vague/unexpected topic**;

Use caution before clicking links or opening attachments.

Please send any concerns or suspicious messages to: Spam.Abuse@usda.gov

Sorry to both y'all again. I've been provided with a copy of the publication of notice in Taos News and that notice provides a May 7th deadline. So now we have 3 deadlines floating around: May 6 (in the April 1st notice letter); May 7th in the April 7th Taos News ads publication; and May 9th on the CNF public comment portal webpage.

I've attached a copy of the Taos News ad publication.

Kind regards,

Jaimie Park

On Wed, May 4, 2022 at 12:34 PM Jaimie Park <jaimie@lasacequias.org> wrote:

Also, very quickly. Has the issue with the public comment portal been addressed? People are trying to submit a comment and cannot due to technical issues. How is the CNF going to remedy that issue? I provided a screenshot sent to me by an individual trying to submit a public comment via the CNF electronic comment portal.

Thank you again for your time.

Kind regards,

Jaimie Park

On Wed, May 4, 2022 at 12:13 PM Dressler, Don- FS <Donald.Dressler@usda.gov> wrote:

Jaimie,

Thank you for your message and your interest in this project. Your message was forwarded to me by Paul Schilke. I lead a team that is assisting the Carson National Forest with this project. Part of our challenge in assigning scoping period dates is timing the legal notice and the signature of the scoping letter by the Forest Supervisor. As is stated in both the legal notice and the scoping letter, it is most helpful to have received comments on or by the dates requested. The language on the project website states that comments may be submitted at any time however, comments posted after the close of a designated comment period may not be able to be given full consideration.

We recognize the different dates that have been published and will continue to accept for full consideration all comments through May 9, it being the first business day following the 30 day period initiated by the legal notice published on April 7 in The Taos News. As we are in the preliminary stages of preparing this analysis, this

scoping period serves as the first step in identifying issues to be analyzed. It is important to note that if an Environmental Assessment is prepared, there will be another comment opportunity once the Draft is available, which is currently anticipated later this year.

To be clear, Taos Ski Valley, Inc. has no authority to "kick out" any public comments submitted after any date. The decision to accept comments is that of the Deciding Official, Forest Supervisor James Duran.

We welcome your participation in this process.



Don Dressler
Mountain Resort Program Manager

Forest Service

Rocky Mountain Region

p: 720-391-0626
donald.dressler@usda.gov

1617 Cole Blvd., Bldg 17
Lakewood, CO 80401
www.fs.fed.us



Caring for the land and serving people

From: Jaimie Park <jaimie@lasacequias.org>
Sent: Tuesday, May 3, 2022 5:22 PM
To: Schilke, Paul -FS <paul.schilke@usda.gov>
Cc: West, Bryan - FS <bryan.west@usda.gov>; Dressler, Don- FS <Donald.Dressler@usda.gov>
Subject: Re: FW: FW: [External Email]URGENT: comment portal is not working

Thank you, Paul! As I was explaining to Paul during our phone conversation, the April 1st notice letter provides a May 6th "by close of business" deadline to submit comments. That is the properly noticed deadline for public comments to be submitted. However, on the public comment letter portal, that webpage is providing a May 9th deadline, with no time identified, such as "close of business." I asked Paul if CNF had amended the April 1st Notice Letter, including this new May 9th deadline. It doesn't appear that CNF did. Therefore we're concerned that those who submit after May 6th close of business (the properly noticed deadline) will not have their comments considered and addressed because the May 9th deadline is not properly noticed. Paul explained that

CNF is wanting to be inclusive, and therefore extended the deadline to May 9th. We appreciate that, and we want CNF to be inclusive too, but we're concerned that the May 9th deadline is not properly noticed, and with the confusion between what the actual deadline date is, we think a new Notice Letter providing an extended deadline to provide public comment is warranted and reasonable. Not properly noticing a public comment deadline renders vulnerable all public comments submitted after the properly noticed deadline. Taos Valley Ski, Inc. could move to kick out all public comments submitted after the properly noticed deadline of May 6th close of business for failure to comply with procedural rules.

Additionally, since the webpage providing project documents, the notice letter, and link to the public comment letter portal went down for several hours today, interfering with the public's ability to obtain knowledge of this project and submit comment, I think it's reasonable and prudent to extend the public comment period beyond May 6th or even May 9th (which is not a properly noticed date).

Thank you for your consideration. And please stay safe out there.

Kind regards,

Jaimie Park

On Tue, May 3, 2022 at 5:09 PM Schilke, Paul -FS <paul.schilke@usda.gov> wrote:

Hello Bryan and Jamie,

At her request, I'm sending this email to you to allow Ms. Park additional opportunity to comment.

From: Jaimie Park <jaimie@lasacequias.org>
Sent: Tuesday, May 3, 2022 4:53 PM
To: Schilke, Paul -FS <paul.schilke@usda.gov>
Cc: emily@lasacequias.org; West, Bryan - FS <bryan.west@usda.gov>
Subject: Re: FW: [External Email]URGENT: comment portal is not working

Good evening, Mr. Schilke. This is a significant amount of time for the public comment letter portal to be done and interferes with the public's ability to submit comment and for organizations such as NMAA to inform the public about this important public participation process.

Is it possible to extend the public comment period deadline due to the FS's not making the weblink functional and available at all times during the public comment period?

Also, I would like to point out that the April 1st notice letter says that May 6th is the deadline, yet the website (which is down right now just to even access project docs) says that the deadline is May 9th. Did the CNF issue an amended notice letter advising of this May 9th deadline? This is causing a lot of confusion.

Kind regards,

Jaimie Park

On Tue, May 3, 2022 at 4:48 PM Schilke, Paul -FS <paul.schilke@usda.gov> wrote:

Hi Emily,

Your screen shot reference the comment page that is available through the CARA application.

Please note: There will be a CARA outage to apply updates this afternoon from 6 p.m. ET/3 p.m. PT for approximately 3 hours. "

Please try your comment again after 7 pm tonight or better yet try again first thing in the morning.



Paul Schilke
Winter Sports Coordinator

Forest Service
Carson National Forest

p: 575-587-2255
c: 575-779-6907
paul.schilke@usda.gov

PO Box 68
Peñasco, NM 87571
www.fs.fed.us



**Caring for the land and serving
people**

From: Emily Arasim <emilias@lasacequias.org>
Sent: Tuesday, May 3, 2022 4:36 PM
To: Schilke, Paul -FS <paul.schilke@usda.gov>; Jaimie Park <jaimie@lasacequias.org>

Subject: [External Email]URGENT: comment portal is not working

[External Email]

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Use caution before clicking links or opening attachments.

Please send any concerns or suspicious messages to: Spam.Abuse@usda.gov

Good afternoon,

I've just left a message at your office. The link for the comment portal page for the 'Taos Ski Valley Gondola and Other Improvements' project is not working.

We are hoping for an immediate response so that our ability to submit comments before the deadline is not impeded. A screen shot is attached showing the website issue.

Thank you,

Emily Arasim

Acequia Program Assistant

New Mexico Acequia Association

(505) 995-9644

www.lasacequias.org

[805 Early St., Ste. 203B Santa Fe, New Mexico 87505](#)

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New Mexico Acequia Association

Lead Policy Analyst & Staff Attorney

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New Mexico Acequia Association
Lead Policy Analyst & Staff Attorney
(704) 604-8435

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New Mexico Acequia Association
Lead Policy Analyst & Staff Attorney
(704) 604-8435

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New Mexico Acequia Association
Lead Policy Analyst & Staff Attorney
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