

Arroyo Hondo
Arriba Land Grant

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May 6, 2022

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

Re: Taos Ski Valley Gondola and Other Improvements Project

Mr. Duran,

We write and submit this letter on behalf of our families, neighbors, community, acequias and mercedes heirs along with all residents and visitors to these lands whom appreciate natures blessings and the historically relational people whom wish to maintain or reestablish their mutually beneficial stewardship roles to assure a holistic ecological health for generations to come. As part of these collective efforts we initially request the United States Forest Service (USFS) to allow for a community participation process that assures voice and self-representation not just of the economic and politically affluent, environmental scientist, local or state governmental entities and non-profit agencies. More so we ask the USFS to allow for an in person open forum or the like that would more likely assure equitable participation for those who are not versed in digital technology or the formal governmental policy structures such as youth, elders and especially those who believe their voice will not be valued or who are occupied with just living beyond survival in our tourism based economically and racially stratified local society which excludes their contributions.

With many of our local familias having up to 5 generations that have worked in the TSV we feel these lived experiences can be better shared through a brief synthesis of important perspective in support of the USFS formal role. We suggest that the numerous requests and concerns from our community submitted to the USFS can be assessed according to our intergenerational experiences with environmental racism which can help to highlight the occurrence of racial discrimination in environmental policy policymaking with the consequences being felt by communities of color. We ask the USFS to look beyond this through an environmental justice lens as this perspective holds up people of color who are economically excluded and are subject to undesirable land uses denoting their relationships with natural resources. This positioning could help explore how our collective communities may overcome historic and currently presenting environmental discrimination by protecting the rights of people, the waters and lands through inclusive environmental decision making for the cultural survival of a people with historic relationship to this place (Taylor, 2000; Yang, 2002; Bullard, 1996 in Martinez, n/d).

Contextualizing these perspectives and our local current reality into the USFS profession we should consider that efforts of resource management addressing issues of culture and social diversity has existed in northern New Mexico since the 1960s which is supported by the well-known landmark policy efforts of the Hassell Report of 1968. It emphasized our local culture values along with greater sensitivity and attention for the local historic communities economic needs while noting that local communities were often “uniformed or under informed about the planning process.” With local historical communities under participating in USFS decisions since the 19th Century our traditional cultural values and practices are also said to have been excluded from natural resource planning processes. Through these generations we know all too well how actions by the USFS can affect our stability by “reducing or increasing” opportunities for us to participate which has resulted in a long standing “cycle of community distrust” (Baker, 2000, p.28).

The good news is there are clear formal recommendations to address all of this. The author simply explains first, that there needs to be a change of attitude by the USFS and second, the “management of the national forests’ need to make stronger efforts in economic development and poverty reduction in northern New Mexico.” More detailed suggestions cover an internal shift of USFS culture “from a focus on trees to a focus on people” along with a “reorientation of the technologies to focus the benefits from the forest management on local communities in ways that are desired and supported by these communities.” In addition, the USFS partnering with local people to collectively respond to presenting needs while recognizing that northern New Mexico Hispanos “do not ride the tide of economic ebbs and flows as our goal is to remain on the land while preserving a way of life”. Therefore, is report suggests that any “public land management must be structured such a way that they are a part of the paradigm change” which is exemplified by career opportunities and financial resource availability so locals residents can fully participate in the shift to tourism paradigm (Wilmsen 1997 in Baker, 2000, p.67, 99).

For good measure we offer the following quote which provides a great context to our collective reality and hopefully as a goal for what we can all overcome: “One of the lessons of this case study is that attempting to address economic and cultural issues and actually implementing study recommendations into actions is two entirely different things. A brilliant policy can easily flounder on the rocks of bureaucratic inertia, but such a policy as in the case of northern New Mexico, may also acquire a life and constituency of its own and continue to influence the affairs of a region” (deBuys, 1997 in Baker, 2000, p.2).

With our comprehensive introduction in mind we turn to Environmental Impact Studies (EIS), being that the USFS are the stewards of our communal lands and waters while also acting as the keepers of all related formal research reports and data we formally request action on:

- 1- A formal assessment of all previous EIS or comparable studies completed in relations to the Taos Ski Valley Inc. (TSV Inc.) and the Taos Ski Valley Village (TSVV) from the timespan before the Taos Ski Valley (TSV) was initially developed through to our current date denoting the quality of water usage, sewerage treatment, any related contamination of soil, potable or industrial water use, the topography surrounding the headwaters of the Rio Hondo and the entirety of the river itself.
- 2- For this formal assessment to indicate the specific capacity level of the proposed upgrades or improvements by TSV Inc. to sewage treatment infrastructure while requiring additional details to be added to their proposal that includes the correlating total and limit to how much residential or commercial structures it will allow.

- 3- That this formal assessment including the general impact of winter and year-round increased recreation public and private usage along with related resource and material supply delivery transportation, service maintenance and the related infrastructure.
- 4- For this assessment data to be compared with any and all relatively similar ski resorts nationally (in acreage size and usage from the initiation of the Blake family TSV era until current date) and their previous EIS data to determine if the amount of negative direct or indirect impact on the sustainability and quality of life of ecological system (wet lands, headwaters, topography) and local historical villages (people, traditional cultural practices) were deteriorated at correlating or even unacceptable levels.
- 5- For this assessment to determine if any USFS Special Use Permits that were granted to these comparable ski resorts are comparable to the totality of all planned development by TSV Inc. via the current Special Use Permit application to the USFS and its related expansion plans fall within or go beyond these national examples.
- 6- For this assessment to determine if these contractual agreements between the USFS via their Special Use Permit to these ski resorts had fully complied with all its provision or if there were any negligence or violations of adherence to the contract and to the related EIS and if the TSV Inc. or the TSVV have demonstrated any negligence or violations of any previous EIS or Special Use Permits from the USFS.
- 7- For this assessment to specifically address if the design, permit process and construction process of the Blake hotel which should include the destruction of the Rio Hondo original head waters which were said to be relocated.
- 8- For the TSV Inc. and TSVV to provided formal documented evidence by an unassociated independent external entity that all previously discovered soil, septic and water related contamination identified in numerous research and environmental studies have been properly mitigated and resolved be them related to private, commercial or public facilities or infrastructure.

In respect to the numerous community wide conversations and network communication we express a collective concerned about the proposed high-density luxury recreational and tourism industry expansion plans of the Taos Ski Valley Inc. and the TSVV. We want to state for the record our collective concerns regarding the accumulating and compounding disastrous immediate, long-term and irreversible effects on the Wheeler Peak Wilderness Area, the Columbine Hondo Wilderness Area, the Carson National Forest, the Taos Valley Watershed area and thus those who survive with them. Therefore, on behalf of our communities we denote great apprehension that the currently proposal along with the not yet publicly shared future related projects will adversely impact the Rio Hondo in many perceivable, scientifically documented projectable therefore institutionally avoidable as well as unquantifiable and unimaginable ways.

In light of remembrance of many of our familial elders, ti@s, abuel@s and tatarabuel@s who shared stories of tending live stalk animals as borregeros and harvesting medicinal plants and herbs up Twining Canyon in their youth prior to the TSV existence, during which the snow pack on the north facing slope lasted until August and peak run off from it happened in late July. From these continued lived experiences, we would like to initially highlight one factor with exponentially increasing effects we can focus on how the TSV Inc. proposal will reduce the Rio Hondo's water quality while making less water available to downstream rural historic communities such as Valdez, Cañoncito and Arroyo Hondo along with Taos Pueblo and Des Montes who rely on the acequia generated from this source which will also impact all downriver communities of the Rio Grande. This sad reality has be evidence by decades of exceptional academic and scientific research that highlights the “deleterious” (Rodriguez, 1987) effect the ski

industry has had on our local acequias which we feel should be protected at all costs not only as a historic culturally significant artifact but as a living sub-governmental locally run democratic example of collective leadership.

Action Requested by the USFS which should be formally demonstrated in writing and shared publicly by the TSV Inc. and TSVV prior to any USFS Special Use Permit approval:

- 1- Require TSV Inc. to detail concrete steps to be taken during all phases of the proposed projects which should be required to include any and all environmental protection studies, reports, data and plans to protect the integrity of the headwaters of the Rio Hondo.
- 2- Require the TSV Inc. to publicly disclose their self-monitoring and self-reporting infrastructure mechanism and procedures so that the USFS can publicly highlighting if there has been any level of omissions related to inaccuracies, negligence, violations related to water usage, water rights or contamination of soil or the Rio Hondo.
- 3- Require TSV Inc. to fund an independent external non-associated entity to perform continuous monitoring of the Rio Hondo for water quality and volume. Based on a preliminary study and the advice of acknowledged experts, monitoring sites should be located at a number of places along the length of the Rio Hondo.
- 4- Require the TSV Inc. to provide all formal documentation demonstrating the fully approved design, permit process and construction process of the Blake hotel highlighting the specific details of how many wells were drilled, how they are used along with related water rights and permits.
- 5- Require the TSV Inc. to conduct a study to enumerate the expected increases in visitor days, amount of personal and commercial vehicles arriving to and from the Ski Valley and identify the totality of their physical, chemical or pollution and noise impacts. That study must be conducted considering not only the proposed projects but all other yet to be disclosed projects proposed for the Ski Valley area whether they are public or private which could be approved under the current Special Use permit duration.
- 6- For an external independent mechanism of anonymous and confidential reporting can be made publicly available to past, current or future needs to report situations of soil or water contamination along with water use violations such as snow making that has reportedly occurred without being formally counted or reported through the existing water use monitoring procedures.

In regards to the proposed projects requiring the removal of additional trees from the Rio Hondo Watershed we highlight that the Taos Ski Valley (TSV) Inc. has already cleared a significant number of trees in the area, for development or as a result of a recent rare wind storm with plans to clear many more acres. The loss of trees is a significant contributor to the decline of forest health and an associated decline in nearby water quality and quantity.

Action Requested by the USFS which should be formally demonstrated in writing and shared publicly by the TSV Inc. and TSVV prior to any USFS Special Use Permit approval:

- 1- For the USFS or entity external to and with no relation to the TSVV and TSV Inc. conduct a formal research study of forest health from the start of Twinning Canyon through the TSV and up to the mountain ridgelines above that will quantify forest health and guide decisions about how many more trees can be removed from the area.
- 2- For this study and its data to be compared to at least several other ski resorts, their EIS reports that should span the last several decades and to another several high mountain valleys that have similar ecological systems but with no large industrial ski resort development to determine the

TSV, TSVV and TSV Inc ecological health to these other sites ecological health data and the undeveloped comparative valley for a baseline of ecological health for a watershed.

- 3- For the USFS or entity external to and with no relation to the TSVV and TSV Inc. conduct a formal research study about the full ecological system impact of clearing trees, altering the natural topography, vegetation, increasing silting, destabilizing banks, increased consistent noise pollution, adverse effects on natural wildlife in relations to the riparian and wetland habitat of the Lake Fork and the Rio Hondo and the increase in flood waters endangering downstream residents due to the expansion of an additional Gondola (high speed or other versions) and its road access for construction, maintenance and repairs.
- 4- For the USFS to share the above related reports and data publicly in support the formal cancellations or rejection of the proposed Gondola Project being that with or with or out these reports it will have unavoidable ecological impacts.

Water Tank and Booster Station:

The Scoping Notice proposes a 5,000,000 gallon water tank near the base of Ski Lift #2. The Notice states "these projects will not increase the current water uptake from the Rio Hondo." If so, where will the initial 5 million gallons of water used to fill the tank come from? What waters will be used to replenish the tanks? How can such tank and all pre-existing water tanks or storage and delivery systems be designed and fitted with automatic digital water collection, usage and or transfer data to be formally reported and publicly shared via an entity with no formal association and that is external to the TSV Inc. and TSVV.

While TSV claims to hold diversionary rights to 200 acre-feet of water those rights are severely constrained by their permit which allows only 21.42 acre feet to be consumed. Those rights are further limited by a hard cap of only 0.11 acre feet of daily consumptive use between April 11th and October 25th each year. Given these limitations on its water usage. Taos Ski Valley Inc. must demonstrate that it has sufficient water rights to support its proposed activities before it begins construction on a costly and permanent water system.

Action Requested, that the TSV Inc. and TSVV be required:

- 1- To have an external independent entity do a formal assessment by the NM Office of the State Engineer with formal recommendation followed by the completion of all repairs necessary to private, commercial or public facilities addressing the severely high percentage of water loss to unknown factors documented in their own audits prior to any approval of additional water level usage or water right transfers (https://www.taosnews.com/news/local-news/village-of-tsv-focuses-on-infrastructure/article_e2334902-c020-56fa-8ddf-594400f5716a.html).
- 2- To demonstrate an undeniably outstanding record through 5 years of data reporting of good water stewardship and complete transparency of their knowledge of water usage and unknown water loss which should be evidenced by formal written reports by independent external entities for all private, commercial or public use water usage to be shared publicly.
- 3- Formally disclose a comprehensive plan that will detail any and all uses of the water that is planned to be pumped up the mountain by the proposed water transfer station which will include real time digital remote monitoring plans of such usage by an external entity with frequent formal written report submission to the USFS and public.
- 4- To include in any above-mentioned water usage of the proposed water transfer pump be limited to only the specific use of snow making and that any other additional private, commercial or public uses be required prior approval through an additional Special US permit process.

We agree with the perspective that regardless of where the water comes from, sequestering five million gallons of water and frequently replenishing the tank will affect the already stressed Rio

Hondo watershed and impact the amount of water available to downstream rural historic communities.

Action Requested by the USFS and the TSV Inc. and TSSV be required:

- 1- To delay the USFS formal approval of the proposed Water Tank and Booster Station Project until TSV Inc. provides specific details on how the water will be used, which should be limited to fire suppression, until it can prove the NM Office of the State Engineer can certify that it does in fact have sufficient water rights to support those activities.
- 2- For both the TSV Inc, TSVV and USFS to conduct independent studies by different research entities which will be cross referenced that will be shared publicly to comprehensively understand the effects of removing the proposed amount of water from the Rio Hondo Watershed including the water needed to replenish the tank on a regular basis.

In regards to the proposed Nordic and Snowshoe Trails we wish to highlight that the related buildings and infrastructure would lie immediately uphill from the Rio Hondo. Just like the Gondola, that development will impact wildlife and water quality in the Rio Hondo. Clearing trees uphill from the river and placing building sites there will increase runoff thereby increasing silting and sedimentation in the Rio Hondo. Increased silt and sedimentation will negatively affect the beaver colonies and fish spawning areas downstream from the site and decrease water quality for the communities along the Rio Hondo.

Action Requested:

- 1- Require TSV Inc. to develop a site-specific plan to address the direct and indirect impacts of the Nordic and Snowshoe Trails center on beaver and fish habitat and overall water quality and quantity in the Rio Hondo with a focus on eliminating run-off and reducing silting, sedimentation and SPM in the Rio Hondo.

In regards to the proposed Lift Replacement we wish to highlight that completely replacing lifts #2 and #8 will require excavating the old lift towers, removing the debris, filling in the holes and then digging new holes for the replacement towers. While the lift cable and moving parts do wear out the tower has a much longer life span. The excavation work will disturb the soil, increasing runoff and erosion and potentially impacting the hydrology of the watershed.

Action Requested:

- 1- Require TSV Inc. to reuse the existing towers limiting any related upgrades to the minimal planned and unforeseen ecological impact to the area and access thoroughfare.

With respect to the proposed expansion and development of new restaurants, we wish to highlight that the 11,000 square feet of new development high on the mountain will disturb the soil, increase runoff and erosion and potentially impacting the hydrology of the watershed. It will also require additional infrastructure for utilities that will need frequent maintenance and repairs with similar impacts. The Ski Area has multiple restaurants close to the lifts and slopes, additional facilities are not needed.

Action Requested:

- 1- Deny the request to build additional restaurants. Suggest refurbishing the existing Whistlestop facility if updated on-mountain dining is needed.

To summarize, as this is being written and most certainly while people are reading it there may be some notions of why the local historically land tied people have not moved upward in society while others may continue to believe that if we just “rid ourselves of our traditional culture” replacing it with “capitalist values and skills” we could then succeed. However, as many people with similar initial thoughts about northern New Mexico who underestimated the “intensity and pervasiveness of racism” most may never become literate of the ever present “castes” that became unavoidably evident in Taos as early as the 1930s. These are said to have become prominent over decades germinated further by what many may feel are subtle yet impactful “micro-aggressions” rooted in the “white backlash” against racial equity efforts since the Civil Rights era (Rodriguez, 1988; Solórzano & Pérez Huber, 2020).

Unfortunately, our communities have long suffered the institutionalization of these perspectives that have lived through historic exclusionary policies and practices of the USFS which has resulted in “declining forest health” due to “mismanagement through inappropriate utilization policies, implementation of culturally insensitive environmental reforms and compromises to environmental activists (Jake Vigil, Ibid. in Martinez, 2002). To cure any lingering doubts one only need acknowledged our peoples “loss of local community access to common lands, rural poverty associated with loss of access, environmental degradation of watersheds as a consequence of capitalist development and expropriation of resources” and the “destruction of communal lifestyles that give meaning and purpose to land grant communities” (Martinez, 2002) which for many of us is a more respectful comprehension of the insurmountable obstacles our people continue to live with.

In the totality of the realities presented in this letter we still wish to manifest a genuine collaborative offer with the USFS in hopes of finding new mutually beneficial collective nature, ecological economic and more humanistic solutions. Therefore, on behalf of our historically united communities we formally ask the USFS to postpone or cancel the approval process of the related Special Use Permit until the following factors have been resolved:

- 1- Until the Rio Hondo has concluded the ongoing process of being designated as one of New Mexico’s Outstanding Waters by the Water Quality Control Commission which will be addressed on June 14th, 2022.
- 2- Until the USFS concludes the updating of the 1986 Forest Plan which is said to be outdated and is being worked in this upcoming summer of 2022.
- 3- Until the current forest thinning projects and proposed expansion of such projects in the TSV can be close to concluding as this will assure less forest fire danger for the TSV and surround ecological systems.

Furthermore, in a gesture of genuine solidarity to our familial lineages and land/water based sisterhood of communities we wish to illuminate the undeniable resource, funding and intangible supports needed by those being impacted by the Hermits Peak and Calf Canyon fires that sadly still uncontained. With hopes that the USFS will agree that these communities are in far greater need for immediate and long term genuine collaborative meaningful influx of infrastructure projects we as the following action items and offer our network of historic acequias and mercedes in support for:

- 1- The USFS to formally adjust their funding and project priorities to focus on new and innovative emergency responses and long term rural recover and development for the residents and families impacted by the ongoing forest fires in norther New Mexico.

- 2- For the USFS to support our request for the \$140,000,000.00 funding informally committed to the TSV Inc. for infrastructure development be designated to the families and dozens of small historic village communities impacted by the ongoing Hermit peak and Calf Canyon fire.
- 3- For the USFS agree to provide needed heavy equipment, machinery and natural resource materials (tierra for adobes, wood for vigas, fences, etc.) through a statewide collaboration with the network of acequia and mercedes communities who can show unity this summer to help the families of these historic villages rebuild their homes, farms and lives.

In conclusion, on behalf of our local communities we request that the USFS postpone, deny or cancel the Special Use Permit requested by the TSV Inc. or TSVV and take additional time to study the potential negative impact of each specific part of the proposed expansion and development. In addition to the actions requested above we ask the Forest Service to conduct an Environmental Assessment and to also develop an Environmental Impact Statement for these projects.

Lastly, in the even that any parts of the above requested actions or related studies, reports or data are currently available through some channels that are not commonly known or easily accessible to the public we ask that they be made more easily accessible through a public educational process which should include some guidance by institutional agents who are more versed than the general public.

Con todo respeto y admiración

Arroyo Hondo Arriba Land Grant
Joaquín Argüello de Jesús Pres.
Elias Espinosa Jr. Vice Pres.
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Luis Garcia General Member
Miguel Villareal Secretary
Francisco Montoya Warden

P.S. The related materials cited in this letter were submitted as supporting documentation via email.