

From: Thomas Harris (b) (5)
Subject:
Date: May 4, 2022 at 10:04 PM
To:



RECEIVED
QUESTA RANGER DISTRICT

James Duran, Forest Supervisor

c/o Paul Schilke, Winter Sports Coordinator

P.O. Box 110 Questa, NM 87556

MAY 10 2022

District Ranger	Range Staff
Wildlife	Rec. Staff
Resource	UMA File
	Customer Svs. Rep.

Re: Taos Ski Valley Gondola and Other Improvements Project

Dear Supervisor Duran:

Our names are **Thomas Harris** and Pamela Harris. We are **PARCIANTE,s** on the Acequia Madre Dellano. And live in Arroyo Hondo. We Have lived in the Rio Hondo valley since the year 2000. We have watched development continue at "Taos Ski Valley" during the past twenty some years. Wondering how it is that "Beneficial use" has some how allowed for water rights to "majically" be transferred from the river to "non consumptive" use at TSV. Watching while the OSE, can some how use "beneficial use" to issue permits for domestic wells for all of the Developments that have been approved by The Taos County Commissioners.

All historical sources of water with in the Hondo River valley drainage have been and are sources of water that belong to the River. All of this water, by senior water rights belong to the Historical Acequias of the Hondo River valley. This is called "Seniority as in "Senior water rights".

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 Projects" will have on my acequia, community, the Rio Hondo Watershed, and the Taos valley.

The following concerns demonstrate the reasonably foreseeable, harmful and

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.

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.

May 5, 2022

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QUESTA RANGER DISTRICT

James Duran, Forest Supervisor
c/o Paul Schilke, Winter Sports Coordinator
PO Box 110
Questa, NM 87556
(575) 587-0520

MAY 10 2022

District Range
Wildlife/WFO
Wildfire Staff
Resource Act.

Range Staff
Rec. Staff
UMA File
Customer Svc. Rep.

FAX: (575) 586-2255

RE: Taos Ski Valley Gondola and Other Improvements Project

Snow making, as such, is a competitive marketing tool and advantage because it's been a proven value to ski areas. Early season openings as a result of snow making generates early reservations and deposits by out-of-state destination visitor skiers. Ski season well into May and even summer accommodates more skier days as experienced by Arapahoe Basin in Colorado. Arapahoe closes mid-June, the last close of any ski area. It's been something of a dictum, 'Make snow and they will come.'

I am a long time resident of Arroyo Seco, 8 miles 'down the hill'. I farm several acres of land with full legal 'paper' water rights. I have irrigated this land since 1992 with what we call 'wet' water rights. I participate in annual meetings of Acequia Madre del Rio Lucero de Arroyo Seco. I participate in Reparto (water division) meetings every 6 days during irrigation season as a direct result of snow melt coming down mountain. This water also recharges the water aquifer underlying the irrigated lands at the base of these mountains.

The drought monitor map on noaa.gov, today, reveals the the status of Taos County as accelerating to *Extreme* drought (the Red Zone). About 1/3 of New Mexico is in *Exceptional* drought. As I write this, 165,276 acres just east of Taos have been scorched; containment is 20%; a total of 1,284 firefighters. This is a Type 1 Incident Command, the most extensive firefighting system in this country. The Haines Index: 6 . . . it doesn't go higher: desiccated fuels, high temperatures, low humidity converge into life endings and survival. More wildfire evacuees arrived today, May 5th, into Taos with their horses, dogs and livestock. It will take many lifetimes to restore this environment if ever at all.

Some would say that snow making returns the water to the watershed when the snow melts. Indeed. That said, and as often quoted, 300" average snow falls each year on TSV. That would be a statistic from the late 80s-early 90s. A look at the data reveals that the annual average over the last two decades has decreased significantly.

The claim of 200 acre feet of water diversion by TSV would substantially reduce irrigation water necessary to our communities here. These lands would desertify as acreages further towards the gorge have already without water rights.

The proposal to build and fill a tank with water, 50 feet high (5 stories) by 150 feet in diameter is stunning and overwhelming. This tank would reserve 5,000,000 gallons of water for snow making. That's the equivalent of 15+Acre Feet. Withholding

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-foot 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, Tom and Pamela Harris.

Tom Harris

Pamela P. Harris

- 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.

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