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

Re: Taos Ski Valley Gondola and Other Improvements Project Draft Environmental Assessment

Mr. Duran,

These are comments on the proposal by Taos Ski Valley Inc. to build out new components to its existing resort in Taos County, New Mexico.

To preface my comments I would like to say that I am a resident of Valdez, NM. My home is about one mile from the boundary of the Carson National Forest. I love the outdoors and utilize the national forest and other public lands on an almost daily basis. I ski regularly and have purchased ski passes at Taos Ski Valley every year since the mid-1980s.

I live and grow food on 6 acres in Valdez. I am a Parciante and Commissioner of the Acequia de San Antonio¹ and utilize the acequia to water my food crops and orchard. My property borders the Rio Hondo. I can see the river now as I write this letter. This beautiful river not only lends a lovely aesthetic to my life but it also provides the water I drink and nourishes the food I eat. I am passionate in feeling that this river, and the lives it sustains, must be preserved and not compromised.

For those readers who may not be familiar with the area, Valdez lies on the Rio Hondo about 7 miles immediately downstream from the Ski Area and the Village of Taos Ski Valley. After the Rio Hondo leaves the Ski Valley, Valdez is the next community it touches.

I apologize in advance for the pedantic tone of my comments. I did not set out to write almost 60 pages of detailed criticism. I began this process expecting to engage in a spirited debate on the issues. Instead I found that the Draft Environmental Assessment was so deficient in so many ways that the procedural framework was distorted beyond recognition. It is clear to me that the authors of the document were unaware of the relevant laws, regulations and Presidential Directives that control the NEPA process. I found it necessary to document that guidance to provide context and structure for my comments.

¹ However, I am writing to you in my role as a private citizen

As my comments will demonstrate, this phase of the *Taos Ski Valley Gondola and Other Improvements Project* has been severely mishandled. It does not comply with the applicable statutes, regulations and Presidential Orders. The required public outreach effort was inadequate and frustrating. The Draft Environmental Assessment is insulting and demeaning to the residents of the lower Rio Hondo Valley. The process errors are overwhelming and egregious.

Given the number and scope of problems with this phase of the project I believe the process is unrecoverably damaged. Continuing from this point cannot result in an Environmental Assessment that meets the goals and objectives of the National Environmental Policy Act.

You could remand the current Environmental Assessment, and then restart the Environmental Assessment phase but the poorly executed current iteration has irrevocably poisoned any future iterations of the same phase. The only path forward is to rectify the errors in this phase by conducting a full Environmental Impact Statement (EIS) phase that includes the components the current phase missed and rectifies the errors and omissions in its processes.

Thank you for the opportunity to comment on the Draft Environmental Assessment. I hope that future phases of this process will prove more satisfying.

Atentamente,

KEVIN BERSSELL

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General Comments

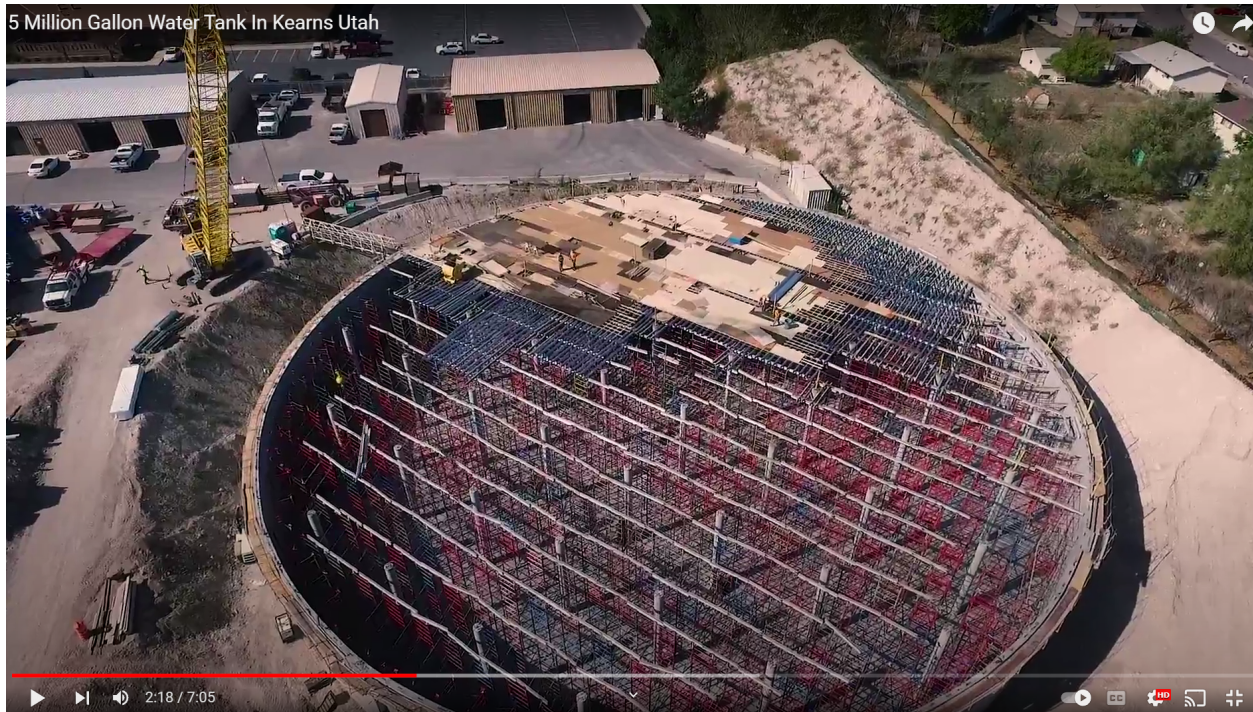
I incorporate all prior comments I have submitted since the first notice for this Project appeared in the Federal Register, inclusive of my Scoping Notice comments for this process.

Overall the Draft Environmental Assessment is woefully inadequate. As my comments below demonstrate it repeatedly fails to meet NEPA, USDA, and Forest Service regulations and plans. It also fails to comply with Presidential Executive Orders directly relevant to this process. These errors and omissions are so egregious that it raises the question of the completeness and validity of the Draft Environmental Assessment and therefore the entire process.

The Draft Environmental Assessment occasionally refers to "TSV," "Taos", "Taos Ski Valley" and the "Ski Valley" without clarifying if those terms mean the Village of Taos Ski Valley, Taos Ski Valley, Incorporated, the geographic area or some other entity. Those obscure references reduce the clarity of the Draft Environmental Assessment. In this response I will try to be clear when I am referring to the business ("TSVI"), the Village of Taos Ski Valley ("VSTV") and use the term "Ski Valley" when I am referring to the general geographic region lying along the Rio Hondo and its headwaters from Amizette to Williams lake. "Twining" refers to the historical location of the mining village at the junction of the Lake Fork and North Forks of the Rio Hondo, more frequently referred to as the "Base Area."

Specific Components

Water Tank and Booster Station



A 5,000,000 Gallon Water Tank

The Draft Environmental Assessment proposes a 5,000,000 gallon water tank and booster station near the base of Ski Lift #2. Removing and sequestering five million gallons of water and frequently replenishing the tank may affect the already stressed riparian areas of the Rio Hondo and impact the amount of water available to downstream rural historic communities.

The Draft Environmental Assessment alleges² that these projects will not increase the current water uptake from the Rio Hondo. This statement is false. It is impossible to fill a 5,000,000 gallon water tank without increasing the net uptake of water.

Does TSVI have any plans for how to use the water beyond firefighting and snow making? In the February 2022 Taos Region Clean Energy Transportation & Recreation Corridor presentation to the Taos County Planning Board³, the Water Tank project was identified as an “economic resiliency and emergency fire suppression” project. What are those economic resiliency uses? Are they compatible with the Forest Plan and the Special Use Permit? If so, how will the water used for those purposes be monitored?

² Page 6

³ [Taos Region Clean Energy Transportation and Recreation Corridor proposal Feb. 8, 2022](#)

The Draft Environmental Assessment states "TSV⁴ will continue to hold a diversionary right of 200 acre-feet, or 65.2 million gallons of water from the Rio Hondo annually." A search of the Office of the State Engineer's (OSE) database on April 12, 2022 showed those water rights, Permit #SD 01701, allow 200 acre feet to be diverted but further state that withdrawals are limited to a total of 21.42 acre feet of consumptive use. 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 year⁵. For that water right, the ratio between consumptive use and allowable diversions is unusually high and was arrived at by allowing TSVI a very favorable conversion rate for snowmaking. According to the Office of the State Engineer, non-snowmaking uses do not qualify for that favorable conversion rate so it is misleading to speak of the amount of water that TSVI is allowed to divert as if it were all to be used for snowmaking. Given the mixed conversion rates of their water rights it would be more accurate to express their rights in terms of allowable consumption.

Firefighting

Regardless of what the Draft Environmental Assessment says, the best defense against wildfire is a well-watered forest. Impounding springs and sequestering water in tanks removes water from the forest watershed. As the watershed dries out fire risk is increased. Won't removing five million gallons of water from the already drought-stricken watershed of the Rio Hondo contribute to aridification of the forest and therefore increase fire danger?

The Scoping Notice says the Tank and Station will be a "first line of defense against a wildfire". As a former Emergency Manager I'm in favor of a robust wildland firefighting capacity. An enhanced firefighting capability is good for everyone, especially for the downstream communities since deforestation due to fire is a serious threat to our water quality.

But Wildland Firefighting is a complex activity. One cannot simply turn on the sprinklers and bug out. Efforts need to be planned and coordinated. Personnel must be trained and exercised. How will this tank contribute to a firefighting effort? What's the operational plan for using the snowmaking equipment to fight a fire? Are there trained personnel available to operate it during a wildfire? Does that plan complement USFS firefighting plans? Is TSVI a signatory to the interagency firefighting agreements for the Taos area? Is there a better way to enhance wildland firefighting capabilities in the area?

The effects on the ability of downstream communities to respond to fire must also be considered. It would be an environmental injustice of the highest order if the Ski Valley was allowed to store and use vast amounts of water to fight a wildland fire, while the downstream Rio Hondo communities were left with none.

Snowmaking

Despite the Draft Environmental Assessment's repeated assertions that snowmaking will not increase, TSVI has explicit plans to increase snowmaking:

⁴ I assume this means Taos Ski Valley Inc.

⁵ New Mexico Office of the State Engineer Permit 1701A Approved 1/28/1985

The 2021 MDP states:

“Backside Snowmaking Infrastructure

“A variety of projects are planned to improve the Backside snowmaking infrastructure. This includes three segments of **new snowmaking lines** including a segment down Hunziker Bowl to Lower Patton, a segment down Lower Patton, and a segment from Hunziker Bowl across to Upper Shalako, as well as a new pumphouse near the base of the Kachina Peak Lift to increase pump pressure to the existing snowmaking lines in the Backside. **Additional snowmaking coverage, totaling approximately 10 acres, is planned down Hunziker Bowl.**” [Emphasis added]

“New snowmaking pipe would also be installed, and **additional snowmaking coverage** would be provided on Al’s Run.” [Emphasis added]

The Draft Environmental Assessment states:

“The current snowmaking system has limitations with pump capacity that hinders the timeliness of snowmaking on the Frontside of the mountain. There are existing trails that receive high use, and in years with low natural snow the snowmaking pump system cannot make snow efficiently enough to meet the guest experience that TSV would like to provide. As a result, trails with poor conditions and minimal cover can exist in the early season and periods of low snow. In some cases, trails may not be able to be opened in a timely fashion.”

(For those readers unfamiliar with ski area operations, poor conditions and minimal coverage are fixed by making more snow.)

Page 6 of the Draft Environmental Assessment says: “Together, these upgrades would increase water availability for snowmaking,”

(You need more water available when you are planning to make more snow)

At TSV snowmaking currently covers about 50% of the mountain⁶. TSVI plans to increase that coverage to the “greatest” portion of the mountain:

Page 6 of the Soil and Water Specialist Report says

“This location was selected based on its [the Lift 2 Booster Station’s] elevation and placement within the SUP area, as it would provide sufficient water pressure **for the snowmaking system to serve the greatest portion of the SUP area**” [Emphasis added]

The Draft Environmental Assessment reinforces this point:

“The elevation and location of the booster pump station is strategic and needed to achieve proper pump pressure and **serve the greatest extent of the mountain.**” [Emphasis added]

The above statements make it clear that TSVI is planning to increase snowmaking and the water tank and booster station are part of a plan. It takes about 135,000 gallons to make a foot

⁶ <https://www.snow-forecast.com/resorts/Taos>

of snow on an acre of ski slope⁷. TSVI's expanded snowmaking plans will dramatically increase water usage across the mountain. Man made snow does not all melt and return to the watershed. Evaporation and sublimation account for loss of about 20% of the snow that is made⁸.

The Draft Environmental Assessment presents no evidence that simultaneously increasing water diversion from the Rio Hondo for snowmaking, at the same time water usage is increasing in the Kachina Basin and the Base Area, is sustainable or that it will leave sufficient water available to the downstream communities. Further impacting this irresponsible strategy are the effects of climate change which are reducing the amount of water available in the Rio Hondo⁹ cumulatively with increased usage by TSVI and VTSV.

The Forest Service acknowledges that the waters in the Carson National Forest are impacted by the on-going drought and climate change:

*"In addition to changes in forest condition, recent climatic drought conditions and the resultant decline in winter and summer precipitation have contributed to decreased water storage, runoff, and yield... All areas have significantly reduced flow. On average, streamflow has declined by 20 percent from pre-1996 levels (USDA FS Carson NF 2015a; USGS 2014)."*²

If allowed to proceed as proposed, the cumulative impact of these projects, the other projects in the area, and climate change may significantly impact the forest, the river and the people in the Rio Hondo Valley by further decreasing water quality and availability in the waters of the Rio Hondo.

Although TSVI water rights are a minority of the rights along the Rio Hondo, they are significant in that they are drawn from the headwaters. Impacts at the headwaters have a ripple effect on water quantity and quality all the way to the Rio Grande.

Action Requested: I ask the USFS to correct its erroneous statement that TSVI can fill the water tank without no "increase [to] the current water uptake from the Rio Hondo". If the USFS believes this statement to be true, I request that they include a detailed statement describing how they believe TSVI will fill the water tank without increasing net water uptake.

Action Requested: I ask the USFS to include a No-Action alternative to the building of the water tank and booster station.

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https://www.outtherecolorado.com/blog/ever-wonder-how-much-water-goes-into-manmade-snow/article_2b5ce478-e0fc-580f-9d5a-454b8f0782d0.html

8

<https://apnews.com/article/science-sports-lifestyle-business-economy-ba133300868f2b8a65da8026c0ca2699>

⁹ "On average, streamflow has declined by 20 percent from pre-1996 levels" (USDA FS Carson NF 2015a; USGS 2014)

Action Requested: How do we know that 5,000,000 gallons is the appropriate amount of water? I request that the USFS justify the size of the water tank including an objective, scientific evaluation of the amount of water needed in the tank to support snowmaking and then consider the results of that evaluation before approving the tank. If the amount of water needed is less than 5,000,000 gallons the USFS should restrict the size of the tank.

Action Requested: I ask that if the tank is approved, that the USFS restrict the uses of the water stored in the tank to snowmaking and, if justified, firefighting, until TSVI details all of its plans for water usage for economic resiliency and until those plans can be evaluated for compatibility with the appropriate laws and regulations.

Action Requested: I ask the USFS to include an evaluation of the direct, indirect and cumulative effects of the tank development and increased snowmaking on water availability and quality in the Rio Hondo and in its effect on wildfire risk. During that analysis I ask that the Forest Service consider how the proposal might create water rights conflicts with other communities, including tribal and rural historical communities and its Environmental Justice impacts on those communities.

Action Requested: I ask that the USFS study the effect of the tank and snowmaking system on its ability to fight fire in the Ski Valley and to analyze how the tank and snowmaking system fits into the firefighting system in the area. Additionally USFS should analyze the amount of water that will remain in the Rio Hondo to support downstream firefighting efforts if the snowmaking system is being used to fight fire in the Ski Valley, I ask that the study consider USFS's and TSVI's firefighting plans and include TSVI's capacity to provide trained water system operators during a fire emergency.

Gondola

However, what is known about the Gondola is disturbing.

The Draft Environmental Assessment presents the following 9 justifications for building out the Gondola:

- To relieve congestion on twining/kachina road,
- To reduce maintenance on twining/kachina road,
- Improve overall circulation,
- Improve the guest arrival experience,
- Reduce pressure on Lift 1,
- Allow guests to repeat ski Rubezahl trail,
- Allow skiing lessons to be conducted on Rubezahl trail,
- Allow access to the Backside in the evenings, and
- Allow access to the Backside in the summer.

I analyzed each those justifications:

To Relieve Congestion On Twining/Kachina Road

Traffic control on Twining/Kachina Road is not the responsibility of TSVI. The Village of Taos Ski Valley and Taos County are legally responsible for traffic issues, including congestion, in the Ski Valley. Any projects to relieve congestion on its roads should begin with the Village government.

Disregarding responsibility, constructing a Gondola will not reduce traffic on Twining/Kachina Road. Local residents hoping for a reduction in traffic will be disappointed to discover that TSVI's and VTSV's plans to make the Ski Valley a year-round resort will result in what is now a seasonal traffic problem becoming a year-round traffic problem.

As evidence I refer to TSVI's plans¹⁰ to almost double the number of parking spaces in the Basin. Doubling the number of parking spaces means double the number of cars in the area¹¹.

The Draft Environmental Assessment declines to say whether riders will be charged to use the Gondola. If there is a fee to ride the Gondola, an even larger percentage of potential riders will choose to drive up Kachina Road rather than pay the fee. If the Gondola is free, it will become a regional attraction increasing crowds, noise, garbage, and wastewater, and disturbing the wildlife. Either way, traffic in the Village and Basin will increase.

In the long term, the cumulative impacts of the Gondola and the already planned follow-on development may result in even more congestion in the Basin as well as serious environmental degradation of the entire Kachina basin and the adjacent wilderness areas. Besides being unnecessary and having the potential to create significant damage to the Kachina Basin, the Gondola will conflict with Forest Service direction as contained in §2343.14(1)g of the Forest Service Manual which says "increase utilization of snow sports facilities and not require extensive new support facilities, such as parking lots, restaurants, and lifts."

To Reduce Maintenance On Twining/Kachina Road

Road maintenance in the Ski Valley is the responsibility of the Village of Taos Ski Valley and/or Taos County, not TSVI. Any projects to address maintenance of the roads in the Ski Valley should begin with the County and/or Village governments.

Improve Overall Circulation

The Draft Environmental Assessment states:

"Additionally, due to minimal connectivity of the Frontside base area to the Kachina Basin base area, non-skiers on the Frontside do not have easy access to base area facilities at Kachina Basin. This causes more congestion at the base area facilities at the

¹⁰ <https://designworkshop.app.box.com/s/ilahna8d6nqsm0b6npg7iyg6swpt09o2>

¹¹ "Considered cumulatively with the currently proposed projects, the remaining projects in the 2021 MDP would likely compound the effects disclosed in this analysis, particularly those related to parking, furthering the existing deficit of parking spaces." Draft Environmental Assessment Page 37

Frontside base area, as skiers and riders may come back to the Frontside base area to join non-skiing guests.”

It's hard to understand the scenario in this passage. It seems to be saying that congestion would be relieved if only non-skiing guests could join skiers at the Backside (because they are standing around and clogging up the lift lines? Or something?) Non-skiing guests make up a minor proportion of visitors in the Ski Valley during the ski season. The only facility non-skiers might currently visit in the Kachina Basin is the Bavarian restaurant. Having a Gondola to transport a few non-skiers to the Bavarian would not relieve congestion at the main Base Area and would be a very expensive solution to a very minor problem.

However, parsing this statement identifies what may be an important component of TSVI's intention in building the Gondola: to increase non-skier visits to the Kachina Basin: "...non-skiers on the Frontside do not have easy access to base area facilities at Kachina Basin". This rationale fits in neatly with TSVI's intention of building out the Kachina Basin and increasing non-ski season visitation.

The Draft Environmental Assessment continues:

“Overall, the lack of connectivity between the two base areas at TSV further exacerbates skier circulation challenges that exist throughout the SUP area as guests don't have the ability to disperse immediately are forced to travel in similar patterns during popular arrival times.”

Due to the awkward language of this passage it's difficult to understand what the issue is in this statement. However, the nature of recreating in a narrow mountain valley includes limited means of ingress and egress, dispersion is naturally limited. And that is even more the case in a ski area where the entire population of skiing guests must share a few lifts whose pickup and drop-off points are permanent. Regardless of what is trying to be said in this statement, if TSVI is concerned about congestion they would not be investigating ways to increase skier density.

The 2021 MDP pays considerable attention to issue to skier density and ways to increase it:

“The low-density numbers also indicate under-utilization of the existing terrain, meaning that there could comfortably be more skiers/riders on the terrain at any one time than there are at current visitation levels. This situation indicates that the amount of effort required to properly maintain the quantity of terrain is disproportionately high when compared to the overall number of skiers/riders on the mountain.”

“Table 17 shows an increase to the overall density from 6 skiers-per-acre to 8 skiers-per-acre, closing the gap on target density, which is estimated at 11 skiers-per-acre and was previously 10 skiers-per-acre under existing conditions. While this could mean that the existing uncrowded feel of the resort is shifting planned conditions, this also shows that the resort is more efficiently serving the available terrain.”

To summarize: while simultaneously expressing concerns about congestion and circulation, TSVI is entertaining thoughts of increasing on-slope skier density by 33% and perhaps eventually almost doubling it.

Improve The Guest Arrival Experience

It's not clear how the Gondola, which would be boarded near the Pioneer lift, would benefit guests arriving in the ski area. To access the Gondola, guests would need to park, wait for a shuttle, ride the shuttle to the base area, disembark the shuttle and walk about 1,000 feet uphill past the base area facilities. By the time they arrive at the Gondola their arrival experience would be well in the past.

Reduce Pressure on Lift 1

As a 40+ year skier at Taos Ski Valley I can say that on most days Lift 1 experiences no congestion. Most days lift lines are less than two minutes and quite often one is able to ski directly to the chair pausing only to have your ticket scanned. Skiers visiting from other Ski Areas often comment on our lack of lift lines. The only days when there is significant congestion are powder days. Indeed, lines at the lift often approach 15 minutes¹² on those days. On those days long lift lines are due to TSVI's well known delays in getting its slopes open and are not due to capacity issues with the Ski Lifts. In any event, the long lift lines usually dissipate by noon.

In addition, on powder days, the Backside, including Lift 4, is the last part of the mountain to open. Usually the Backside slopes do not open until after the Frontside slopes have been open for hours. And in many instances the Backside does not open until the next day. So a Gondola connecting the Frontside to the Backside will not be useful in those instances.

The perceived lack of congestion on Lift 1 is validated in the 2021 MDP. Table 7 shows that Lift 1 has a CCC of 530 but only 86 skiers on the lift and 40 skiers in line. Table 7 shows that the resort's lifts as a whole have a CCC of 4,310 with only 1,220 skiers on the lift and 517 skiers in line.

If approved, the upgrading of Lift 2 to a higher capacity lift will improve congestion on those rare days when Lift 1 lines are long by shifting repeat skiers to Lift 2.

Allow Guests To Repeat Ski Rubezahl Trail

No one has ever said "If only we could repeat ski on Rubezahl". Rubezahl is relatively flat in most spots, including an extremely flat section near the Beaver Pond, but contains one steeper section. For intermediate and expert skiers it offers no skiing challenges, it is simply a way to get to the Frontside from the Backside. For beginner skiers the steeper section can be challenging and they often are frustrated by having to "pole" through the Beaver Pond flats. Most skiers will not want to take a Gondola ride to ski the limited and problematic terrain on Rubezahl. Better terrain, with a similar lift time, is available elsewhere on the mountain.

¹² Which is still excellent compared to most ski areas

Allow Skiing Lessons To Be Conducted On Rubezahl Trail

Rubezahl trail is unsuitable for ski lessons. A frequent and necessary tactic used by ski instructors is to move their class to the side of a trail out of the way of other skiers on the trail. In those relatively safer sports the instructor can demonstrate techniques, provide verbal instruction and watch students as they ski. Rubezahl is relatively narrow and provides no safe zones for instructors to work with their classes out of the way of other skiers.

Rubezahl is used by skiers of all abilities levels as the main route from the Backside to the Frontside. That won't change if a Gondola is built. Experienced expert and intermediate skiers ski quickly down the steeper portions of Rubezahl so that they have enough speed to easily transit the Beaver Pond flats. Mixing those fast skiers with slower ski classes creates a dangerous situation.

Rubezahl is also a main uphill route to the Backside for TSVI snowmobiles. And the Ski Patrol uses it to sled transport all injured skiers from the Backside to the Frontside medical clinic. Mixing ski classes with these other uses also creates dangerous situations.

Having eliminated all the other justifications for the Gondola we are left with two justifications:

Allow Access To The Backside In The Evenings

Allow Access To The Backside In The Summer

Combined with the core of the Circulation justification, non-skier access to the Kachina Basin, we can see that TSVI's primary concern is getting non-skiers to the Backside outside of ski area operating hours and outside of ski season.

Considering that there are currently no real attractions at the Backside, I further assume that TSVI is interested in building the Gondola to support its planned 4-season development in the Kachina Basin. Since these reasons will not "increase utilization of snow sports facilities", approval of the Gondola will violate USFS regulations.

But let's look at how that a Gondola would work at TSV:

Overall Practicality of a Gondola for Skiing

A Gondola is not necessary to the operation of the Ski Area. Taos Ski Valley has been successfully operating for 60+ years without base-to-base access. No base-to-base lift or Gondola was in operation even at the peak of the Ski Valley's popularity in the 1990s when skier days were almost 33% higher than today. TSVI concedes that the Gondola will not improve ski area capacity or increase skier days¹³.

On non-powder days there is minimal congestion on Lift 1. Without a Gondola, skiers will have to ski to the Backside via Lift 2. Asking skiers to ski is not burdensome.

On powder days the Backside does not open simultaneously with the rest of the mountain. Without available Backside terrain the Gondola won't enhance skiing. Furthermore, on powder

¹³ Draft Environmental Assessment, Page 18

days the Gondola won't be able to provide access to the Backside until avalanche control along its route has been completed. Given the steepness of the slope and the significant loss of trees during the 2021 wind event, avalanche risk will be high along the Gondola route. If a serious avalanche does occur along the route, the towers and other components of the Gondola may have to be inspected before it can be used. If any damage does occur to the Gondola it may be out of service until parts can be obtained and repairs made.

Other Considerations

Persons with Disabilities

The Draft Environmental Assessment justifies the Gondola as a means for non-skier guests to access the Kachina Basin. The maps included in the Draft Environmental Assessment show the Gondola terminal at the Base Area in the general vicinity of the Pioneer Lift. That area is bare ground without sidewalks or other ADA compliant access. During the winter it is a ski slope. Providing ADA compliant access, with handrails and other terrain modifications, is precluded by its use as a ski slope. Mobility-impaired non-skiers will not be able to access the Gondola.

Emergency Use

In any kind of emergency the Gondola will be a poor choice for transportation. There is no guarantee that trained Gondola operators will be available during a disaster. And being trapped in a Gondola cabin high above the ground during a fire or other emergency is a risk most people will choose to avoid.

And its use for emergency medical transport is questionable. The Draft Environmental Assessment does not provide any information on the size and configuration of the 8-person Gondola cabin's but if we look at the 6-person Gondolita cabins as a model, there will not be enough room to fit a sled or gurney in the Gondola cabin. Even if there was room in the gondola cabin for a sled or gurney, it is likely that the time required to load and unload the sled from the gondola cabin will negate any time saved by using the Gondola. It will be quicker to just continue on to the clinic without delay.

Scalability

From an efficiency standpoint, a Gondola is a less than optimal choice. It must be built to operate at maximum capacity and due to the fixed nature of its infrastructure, operated at maximum capacity. In other words, it's not scalable.

It's also not flexible. The Gondola will only have two stops. Potential riders whose destination is not at one of those terminals, such as residents and overnight guests, won't choose to use the Gondola.

Impact to Residents

The Draft Environmental Assessment¹⁴ describes the Gondola's impact on residents of the Ski Valley:

¹⁴ Page 26

“Because of the Gondola’s proximity to the private lands in the VTSV, it is expected that the Gondola would be visible to private landowners located along the eastern border of the SUP boundary. Approximately 3,400 feet of the Gondola alignment would be within 250 feet of residences or roads on private land. Those who currently live, visit, or travel in these areas would experience a new linear structure cutting horizontally through their viewshed and through the existing vegetation in the area. Of this approximately 3,400 feet within the immediate foreground of private residences or roads, approximately 1,700 feet would be newly introduced as the closest ski area infrastructure...”

The Draft Environmental Assessment says that the Gondola will transport 1,800 people-per-hour. To achieve that capacity, given 8-person Gondola cabins, 225 Gondola cabin arrivals will be needed per hour or one Gondola every 16 seconds. If you live or stay in the area along the path of the Gondola, you will be subject to a constant parade of Gondola cabins moving past your residence. And if your windows face the path of the Gondola you may need to cover them to ensure your privacy.

The Draft Environmental Assessment says that the Gondola would be used in the evenings. For evening use the Gondola cabins will need to be lighted and those lights will further disturb the Villagers and guests (and wildlife). We can conclude that Village residents would be subject to the Gondola’s visual and aural disturbances for about 14 hours a day, 365 days a year. And if road access is limited and the Gondola becomes the primary means of accessing the Kachina Basin, it would have to operate for 24 hours per day to ensure that residents and guests can access the Basin as needed. With cabins passing by every 16 seconds for 14-24 hours per day, including night time running lights, the proposed Gondola would dominate and degrade the serene, relatively unspoiled landscape that Village residents are accustomed to and impact their at-home privacy.

Impact on Traffic

USFS has provided no proof that adding a Gondola will actually reduce traffic in the Valley. Unless vehicles are prohibited from accessing Twining and Kachina Roads¹⁵, it is likely that some visitors will choose to drive their vehicles up to the Basin rather than take the Gondola.

Riding the Gondola will be slower than driving. The road from the Base Area to the Kachina Basin is about 1.7 miles from the main parking lot to hiker parking. Driving at 30 miles per hour a vehicle will be able to reach the Kachina Basin in less than 5 minutes. Add 10 minutes to park and walk downhill to the lift and the trip is 15 minutes. Gondola riders will have to find parking in the main parking lot, wait for and ride a shuttle, walk uphill and then wait in line to board the Gondola. The Gondola ride itself will take about 7 minutes¹⁶. A conservative estimate is that the full trip will take at least 25 minutes.

Certain classes of visitors will be unable to use the Gondola in any event. Disabled persons, persons whose work schedules don’t match the Gondola’s operating hours, Basin residents who

¹⁵ I do not advocate this approach

¹⁶ At 12 miles per hour

don't want to leave their cars in the main parking lot, people with small children or packages, businesses making deliveries and others will drive to the Basin rather than taking the Gondola. If TSVI and other entities develop the Basin as planned, the increase in vehicles choosing or required to use the roads will probably exceed any reduction due to the Gondola.

Sustainability

In the industry overall, resort skier days are flat or dropping. Given overall trends in the ski industry and the impact of climate change, visits to ski areas are expected to continue to drop. At TSV skier days have declined significantly since the late '90s and have never recovered. Depending on the pace of these changes the Gondola may quickly become an expensive and little used facility which offers little value to Village residents or guests of the Ski Area.

In the event the Gondola becomes redundant, removing it and erasing its footprint from the National Forest will be difficult or impossible. Once the large concrete bases for the Gondola towers and terminals have been built, they will be permanent. There will be no easy way to remove them and their impacts on the land will be irreversible.

Impact on Wildlife and the Environment

Beyond its impact on residents the Gondola has significant issues that will impact the wildlife and environment of the Basin. According to the map distributed with the Draft Environmental Assessment, the proposed route of the Gondola will be immediately adjacent to, and, at points, directly on the Lake Fork of the Rio Hondo. The Scoping Notice says that a corridor will be cleared of trees to allow passage of the Gondola cabins. That clearing, specified at 20 feet wide¹⁷ and totaling about 3.5 acres, would be immediately adjacent to the Lake Fork of the Rio Hondo for most of its length and at some points on the river itself. Removing trees along the banks of the Lake Fork may increase silt and suspended particulate matter (SPM), destabilize banks and increase storm run-off among other harmful effects. Removing soil to place Gondola towers may destabilize soil, damage plantlife and harm habitat. The end result may be decreased water quality as well as the degradation of aquatic wildlife habitat.

In addition, removing trees and other vegetation along the river may compromise, and in some places destroy, important riparian habitat. Wildlife eating, drinking and mating habits may be affected by the year-round, 12+ hours-a-day noise and visual disturbance, and the increased presence of humans. The Lake Fork of the Rio Hondo provides an irreplaceable wildlife corridor. The proposed development may restrict wildlife's ability to freely move through their range.

Wildlife along the Lake Fork currently have relatively undisturbed access to the creek's waters and habitat for most of the year. Even during the 4 ½ month ski season human activities are limited to a portion of the daylight hours. A year-round Gondola operating for most of the day and part of the night may discourage animals from visiting the water sources of the Lake Fork of the Rio Hondo and its associated wetlands. Lack of access to critical water and food may lead to decreased wildlife populations and increased stress on the remaining animals.

¹⁷ [Taos Region Clean Energy Transportation and Recreation Corridor proposal Feb. 8, 2022](#)



Figure 2. Relationship of wetlands and Lake Fork to Gondola site

Figure 2.

Impact on Water and Riparian Areas

Based on the map distributed with the Draft Environmental Assessment and the limited description in the text of the Draft Environmental Assessment, TSVI is proposing to build a Bridge/Terminal/Maintenance Complex in a riparian area and either on or immediately adjacent to a Freshwater Forested/Shrub Wetland. The “small stream” to be bridged and built on, is an important part of the Rio Hondo system and has an associated riparian environment. It not only adds its waters to the Lake Fork of the Rio Hondo but is a prime reason wetlands exist in the area. Yet the Draft Environmental Assessment states: “The bridge that would be installed at the upper terminal area of the Gondola would be placed within the AMZ [Aquatic Management Zone] surrounding Lake Fork Creek, and may impact some riparian vegetation”. The Draft Environmental Assessment attempts to assure the reader these impacts have already been considered and solutions are in hand; “Further, numerous PDC (refer to Table 2-1) would be utilized to prevent impacts to sensitive riparian and wetland areas.” However, there are no site specific, actionable PDCs for riparian and wetland areas listed in Table 2-1.

Those wetlands are a unique and important part of the forest environment in the Kachina basin. Just like the rest of the Rio Hondo system, the wetlands support an important population of animals and contribute to the ecological diversity of the area. The wetlands have already been disturbed by the construction of a road through their midst and the placement of the Bavarian restaurant. Further constraining the stream and wetlands with a bridge and building foundations for the Gondola facility may diminish riparian habitat and the wetlands.

Locating the proposed Gondola maintenance facility in the Lake Fork riparian area and on, or near, the wetland creates an unacceptable level of risk for contamination by the products to be used to maintain the Gondola. Building the maintenance facility as proposed would likely violate Section V. B., Water Pollution, of the Ski Area Term Special Use Permit issued 6/5/2014 which reads, in part, "Storage facilities for materials capable of causing water pollution, if accidentally discharged, shall be located so as to prevent any spillage into waters or channels leading into water that would result in harm to fish and wildlife or to human water supplies." It would also conflict with the Riparian Management Zone Guidelines (FW-WSW-RMZ-G) of the Forest Management Plan: "To protect water quality and aquatic species, refueling, maintaining equipment, and storing fuels or other toxicants should not occur in riparian management zones" [Emphasis Added].

The Draft Environmental Assessment seeks to assure us that requirements will be put in place to protect the riparian areas: "PDC listed in Chapter 2, Table 2-1, include measures to completely avoid wetland vegetation, as well as BMPs to minimize disturbance and protect existing natural vegetation as well as incorporating post-construction revegetation BMPs." However, Table 2-1 does not mention wetland vegetation.

Further hollow assurances are offered: "SWPPP [Storm Water Pollution Prevention Plan] monitoring and inspection guidelines were developed under the Clean Water Act § 402 CGP outlining BMPs and other protections of surface water quality. Specific PDC and BMPs aimed at minimizing surface water quality impacts from the implementation of the proposed action are available in the SWPPP, available in the project file." However there is no SWPPP available in the project file. I requested this document from the USFS on April 19, 2023 but I received no response to my request.

These omissions, the lack of a No-Action alternative and the lack of other alternatives that include "all practicable measures to minimize harm to wetlands" means this action violates Section 2 of Executive Order 11990.

The Draft Environmental Assessment states: "Finally, no impact to TMDLs in the Rio Hondo is anticipated as the proposed action would not result in increased temperature or nutrient loading in the Rio Hondo." Removal of vegetation and especially forest canopy are prime factors in increasing temperatures in rivers and streams. By removing approximately 3.5 acres of trees

and other vegetation¹⁸ along the route of the Gondola the project has the potential to raise temperatures in the headwaters of the Rio Hondo.

Visual Impact

A Gondola with its high towers, large permanent infrastructure and moving cabins may not meet the Visual Quality Objectives or Wilderness Desired Conditions of the Forest Management Plan. The Gondola infrastructure will be easily visible from areas with high scenic integrity, including areas of the adjacent Wilderness Areas. Building the Gondola would likely violate Section V. C., Esthetics, of the Ski Area Term Special Use Permit issued 6/5/2014. Furthermore §2343.14(1)e1 of the Forest Service manual requires “facilities to be visually consistent with or subordinate to the ski area’s existing facilities, vegetation and landscape.” Given its nature and the elements required for operation, it is hard to see how the proposed Gondola will meet this requirement. There are clearly better, more logical solutions that do not create such an eyesore in this unique environment.”

Noise

The Gondola will not be silent. It will make some level of noise and the amount and frequency of noise has not been specified in the Draft Environmental Assessment. While the Forest Management Plan does not have conditions or guidelines for noise, it is important to consider the effects the Gondola may have on the aural environment. A Gondola will create constant, unnatural noise over more than a mile of crucial habitat. Noise levels need to be considered not only for humans but at frequencies detectable by animals in the area.

That noise may carry well beyond the path of the Gondola. Based on the limited description of the operations of the Gondola system, noise will be created from the early morning through the evening hours. Noise from the Gondola may impact wildlife and interfere with their feeding, sleeping, mating and travel through the forest.

Environmental Justice

A Gondola does not promote justice, impartiality, and fairness for the downstream communities. The USFS is asking Taoseno’s to absorb the environmental and socio-economic costs for a Gondola that will provide benefits to a small population of disproportionately wealthy¹⁹ individuals, most of whom do not live in the area. Damages to the environment and the watershed will not be paid for by the beneficiaries of these projects, they will be paid for by those who didn’t wish to be impacted in the first place.

Cumulative Effects

The Kachina Basin is sited in one of the most majestic and wild areas of the State. Positioned in the midst of the Wheeler Peak Wilderness Area, the Columbine-Hondo Wilderness Area and the

¹⁸ In case the Gondola needs to be evacuated, the area along the Gondola route needs to be kept clear, therefore replanting trees and shrubs is not an option.

¹⁹ “A bold re-envisioning of land use and development patterns is anticipated to respond to a recent influx of extreme wealth...” 11/2022 Village Council Minutes

Carson National Forest, it is surrounded by many of the highest peaks in the State. The Federal Government has already recognized how important yet fragile this environment is by permanently protecting most of the land in the area. To the casual observer, it may seem like an ideal spot for a resort. But the small amount of private land in the area is hard to access, hard to build on and not suited for anything but minor, low density development.

The Gondola will exacerbate the overuse of the Kachina Basin by facilitating further development. I would guess that TSVI is not really interested in limiting traffic by car, they need both the Gondola and the road to achieve the visitor levels they need for their resort center in the Kachina Basin. In conjunction with the road system, the Gondola will serve to bring visitors to the Basin significantly in excess of current levels. The Gondola will also serve as a novel and entertaining attraction for visitors in the Ski Valley.

New businesses and attractions will be built in the Kachina Basin to accommodate the visitors arriving by Gondola and road. Indeed, TSVI already has plans to build about 100 new residences/housing units and about 20,000 square feet of additional commercial space in the Basin²⁰. Those businesses and attractions will further increase the number of people wishing to visit the Basin. Supply and demand will synergistically reinforce each other²¹ to increase development and visitation in an area that is already overburdened.

While TSVI provides plenty of data on the carrying capacity of each lift and each slope at the Ski Valley, no data is provided on the carrying capacity of the Kachina Basin. That information plus an evaluation of the limits of development in the Kachina basin, need to be considered before approval of the Gondola.

Conflict With Regulations

The proposed Gondola will conflict with Forest Service direction as contained in §2343.14(1)g of the Forest Service Manual which says "increase utilization of snow sports facilities and not require extensive new support facilities, such as parking lots, restaurants, and lifts."

Options

Instead of building a ~\$12M Gondola, TSVI in collaboration with the Village should evaluate a project that provides electric buses to transport visitors from the main parking lot to the Kachina basin combined with reasonable limits on parking in the Kachina basin and an improved Twining/Kachina Road. This approach would be quicker and cheaper. It would utilize the existing road infrastructure and avoid most of the impacts to wildlife and water. In addition it is easily scalable and will have less impact on residents. And buses will be able to stop at multiple points along the route providing better service to residents and overnight guests.

In addition Rubenzahl trail could be repurposed into a hiking trail during warmer weather to provide hikers the ability to access William's Lake Trail while parking in the base area. This

²⁰ <https://designworkshop.app.box.com/s/ilahna8d6nqsm0b6npg7iyg6swpt09o2>

²¹ AKA "Induced Demand"

arrangement should be acceptable to most hikers who would benefit from an additional, easy-to-hike trail and it would spread out the hikers over a longer trail system. It fits with the Draft Environmental Assessments contention that more hiking trails are needed in the area.

Action Requested: I request that the USFS include a No-Action alternative to the Gondola.

Action Requested: I request that the USFS analyze the accessibility of the Gondola for disabled persons.

Action Requested: I request that the USFS analyze the Gondola component in light of its responsibilities under §2343.14(1)g of the Forest Service Manual.

Action Requested: I request that the USFS analyze the use of electric buses or other electric vehicles as an alternative to the Gondola.

Action Requested: I request that the USFS add an alternative that includes converting Rubezahl trail into a warm weather hiking trail to allow hikers to park in the main parking lot and access William's Lake Trail and that expands hiking opportunities in the Valley.

Action Requested: I request that, if the Gondola is approved, the USFS require TSVI to build the Gondola maintenance facility at the Base Area terminal of the Gondola and not adjacent to the wetlands and riparian areas along the Lake Fork.

Action Requested: I request that the USFS either supply the SWPPP or remove references to it in any subsequent documents.

Action Requested: I request that the USFS include site specific, actionable measures to minimize harm to wetlands, the watershed as a whole, wildlife and human populations.

Action Requested: I ask that the USFS study and evaluate the direct, indirect and cumulative effects of the Gondola development and the interaction of that development with other proposed or ongoing projects, both public and private to determine the likely cumulative effects of the Gondola component. That analysis should consider the Gondola's effect on water quality and quantity, wildlife, nearby wilderness areas, riparian areas, wetlands, traffic, and crowding.

Action Requested: I request that the USFS address the Gondola's conflicts with the Forest Service Manual.

Action Requested: I request that the USFS evaluate the effects of the Gondola on the residences along its path.

Action Requested: I request that the USFS evaluate and quantify the effects of the Gondola on traffic along Twining/Kachina Road.

Action Requested: I request that the USFS, if the Gondola is approved, restrict operations to

daylight hours to reduce its effects on wildlife and human residents.

Action Requested: I ask that the USFS to study the direct, indirect and cumulative effects of the Gondola development on the Kachina Basin riparian and wetland environments, including an assessment of the areas to be cleared of vegetation and the effects of that loss on water temperatures in the Rio Hondo system.

Action Requested: I ask that the USFS study the direct, indirect and cumulative effects of the Gondola development on the viewsheds in the area, including the adjacent wilderness areas

Action Requested: I ask that the USFS study the direct, indirect and cumulative effects of the Gondola development on noise levels, including frequencies that are detectable by animals but not humans, in the area, including the adjacent wilderness areas

Action Requested: I ask that the USFS study the direct, indirect and cumulative effects of the Gondola development on the fragile Kachina Basin terrestrial and aquatic wildlife as well as the plant life in the Kachina Basin.

Action Requested: I ask that the USFS study the direct, indirect and cumulative effects of the Gondola development on the adjacent wilderness areas including the Columbine-Hondo Wilderness Area.

Restaurants - Lift 7 & Whistlestop Cafe

Building new restaurants on the mountain will conflict with Forest Service direction as contained in FSM §2343.14(1)g²² which says “Apply the following additional criteria in initial screening of proposals for additional seasonal or year-round recreation activities and associated facilities... These activities and associated facilities **must increase utilization of snow sports facilities** and not require extensive new support facilities, such as parking lots, **restaurants**, and lifts.” [Emphasis added]

TSVI states in the Draft Environmental Assessment that the Project will not increase the number of skiers at the Ski Area. Based on that assertion, the Project will not “increase utilization of snow sports facilities” as required for approval under the above quoted Forest Service Regulations. USFS must provide a strong legal and functional rationale for approving these new restaurants in violation of its own regulations.

FSM §2343 also directs that the USFS must “Encourage holders to utilize existing facilities to provide additional seasonal or year-round recreation activities”. In the last few years TSVI has repurposed two food and beverage facilities at the Ski Area. One, the Phoenix Lodge, was an on-slope dining facility with an estimated 300 seats. If TSVI had not ended food service at the

²² FSM 2300 – Recreation, Wilderness, And Related Resource Management Chapter 2340 – Privately Provided Recreation Opportunities

Phoenix Lodge they would not have a need for new restaurants on the mountain. TSVI, having closed their Backside on-mountain restaurant, now states that it needs a Backside on-mountain restaurant. TSVI should be encouraged to reopen the Phoenix Lodge to skier dining.

Given that TSVI has shuttered dining facilities in recent years, the need for new dining facilities now, as skier days continue to stagnate, is questionable. An independent evaluation of need should be conducted.

If there is a need for new dining facilities that supersedes USFS regulations, the Draft Environmental Assessment does not provide sufficient information to identify that need. An evaluation of that need would answer reasonable questions such as:

- What will be the exact location of the new facilities?
- What type of dining will be provided?
- What other functions, such as sitting and warming will the facilities support?
- What will be the relative cost of meals at these facilities?
- Details on how wastewater will be handled
- The source of water to be used
- Why two new dining facilities are needed despite their proposed location being only a few minutes apart via ski lift and ski trail.

Justification for “rebuilding” the Whistlestop Cafe is similarly problematic. Tearing down the old building and building another restaurant with the same name in another location is construction of a new restaurant not rebuilding. Again, USFS regulations require the USFS to “Encourage holders to utilize existing facilities”. The USFS should require strong rationale for why TSVI would not use the existing location of the Whistlestop.

The Draft Environmental Assessment provides two reasons for rebuilding the Whistlestop Cafe at a new location. The first is it “interrupts skier flow in its current location”. Having utilized the Whistlestop Cafe on innumerable occasions over 40 years, I don’t see how removing it would improve skier flow. The entrance to Lift 2 is to the left and the Powderhorn run is to the right. There is an off-angle slope covered with trees behind the Whistlestop Cafe. Even without the Whistlestop Cafe, there is no reasonable path across that slope.

Second, the Draft Environmental Assessment states “...the current location of Whistlestop Café also impacts skier circulation adjacent to the Lift 2 bottom terminal, which further contributes to inefficiencies of skier circulation in this area”. The Whistlestop Cafe is 400’ from the entrance to Lift 2 and is significantly higher than the lift entrance. Unless TSVI is planning to run lift lines 400’ uphill it is hard to see how the Cafe interferes with the Lift 2 terminal. Furthermore TSVI plans to increase the capacity of Lift 2 should significantly improve skier circulation at that lift entrance.

The Draft Environmental Assessment indicates that TSVI has not yet identified how it will handle the wastewater from these facilities. Yet, despite having no information on how wastewater will

be handled, the Forest Service is confident that "no impacts to water quality would result from wastewater generated by the proposed action, as septic tank-leach field systems are subject to approval and inspection by the New Mexico Environment Department"²³. That seems like a naive strategy for fulfilling USFS's statutory responsibilities. Permitting only addresses the basic design and functionality of a wastewater system, it does nothing to ensure ongoing protection of the forest and its waters.

Another part of the Draft Environmental Assessment says "sewage would be held in a Forest Service compliant remote septic system."²⁴ How will USFS ensure the system is "Forest Service compliant" if they have passed on their regulatory approval responsibilities to NMED?

The Draft Environmental Assessment indicates that the wastewater might be piped down the mountain, which raises questions about the length and route of the sewer pipes, its ultimate destination, and how the skiers, the mountain and the watershed will be protected from leaks and spillages. The Soil And Watershed Specialist Report²⁵ suggests that the wastewater might be "manually" hauled down the mountain. That mechanism also raises questions of its ultimate destination, and how the skiers, the mountain and the watershed will be protected from leaks and spillages. These seem to be important questions to leave unresolved prior to approval.

Lack of specifics on how water and wastewater will be handled defeats the public's ability to make meaningful comments on this portion of the projects. It also violates FSH 1909.15 41.1:

"Purpose of Environmental Assessments

"The purpose of an EA is to: (1) Briefly provide **sufficient evidence** and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact." [Emphasis added]

Action Requested: I ask the USFS to include a No-Action alternative to the building of new and/or replaced restaurants on the mountain.

Action Requested: I ask that the USFS add reopening the Phoenix Lodge facility to dining as an alternative.

Action Requested: I ask that the USFS add reopening the Martini Tree facility to dining as an alternative.

Action Requested: I ask the USFS to add rebuilding the Whistlestop Cafe on its present site as an alternative.

Action Requested: I request that USFS evaluate the need for additional restaurant space based on objective, open and independently verified criteria (not the proprietary Comfortable Carrying Capacity formula used by SE Group)

²³ Page 45

²⁴ Page 7

²⁵ Pages 7-8

Action Requested: I ask that the USFS to justify the need for new restaurants despite the applicable regulations

Action Requested: I ask that the USFS to justify not using the current footprint of the Whistlestop Cafe despite the applicable regulations

Action Requested: I ask that the USFS provide sufficient specific details on how water and wastewater will be handled for the proposed restaurants to allow the public to evaluate the adequacy of those plans.

Nordic and Snowshoe Center

I'm in favor of nordic and snowshoe trails. I think they are a good use of the forest and they can provide easily accessible activities that allow more people to experience the great outdoors. But TSVI's proposed Nordic and Snowshoe trails and associated buildings will lie immediately uphill from the Rio Hondo. Developing the trails at that site may impact wildlife and water quality in the Rio Hondo. Clearing trees directly uphill from the river and placing building sites on the slope may increase runoff thereby increasing silting, sedimentation and increase water temperature.

Unfortunately, some of those effects have already occurred and are visible today. The area identified for the Nordic and Snowshoe center was mechanically thinned in 2021. Subsequent to that thinning, erosion and exposure of soil are visible along the banks of the Rio Hondo. This damage and the TSVI's apparent failure to mitigate that damage, may violate Section VIII., J., Ground Surface Protection and Restoration, of the Ski Area Term Special Use Permit issued 6/5/2014.

Increased amounts of silt, sediment and SPM may flow downhill to the beaver colonies immediately below the proposed Nordic site as well as the beaver lodges and dams further downstream. Fish spawning areas along the Rio Hondo may also be affected. Sedimentation and additional particulate matter may negatively impact the beavers, fish, plants, insects, amphibians and other biota that make up the Rio Hondo ecosystem.



Erosion on the Rio Hondo at Nordic Center Site

In addition the Rio Hondo has been designated an Outstanding National Resource Water. Degradation of baseline or existing water quality is not allowed in ONRWs except under very limited circumstances. The water quality must be protected and those protections apply to waters on public and private lands. TSVI risks sanctions if it fails to protect the waters of the Rio Hondo that lie adjacent to its activities.

I would like to point out that despite what the Draft Environmental Assessment and its amendments state²⁶, building the Nordic and Snowshoe Center will result in permanent bare ground. Based on the limited data in the Draft Environmental Assessment I estimate that the permanent bare ground will total more than 4 acres.²⁷

Page 8 of the Soil and Water Specialist Report states “This area was previously analyzed and **approved** as a snowshoe zone in the *2012 TSV MDP – Phase 1 Projects Environmental Impact Statement and Final Record of Decision (ROD)*” [Emphasis added]. This statement may confuse

²⁶ “The Lift 4 hiking trail project element of the proposed action is the only project element that would result in permanent bare ground” Draft Environmental Assessment Page 46

²⁷ “TSV would install approximately 3 miles of Nordic trails.” SWSP Page 7. 3 miles x 18 feet wide = 95,040 Sq Ft = 2+ Acres. I assume the snowshoe trails would be about the same size.

readers and lead them to believe that the Nordic and Snowshoe Center has already been approved. Master Development Plans do not result in “approvals”. Instead they provide a range of projects that are “accepted” for evaluation in the future. I would be very interested in examining the *2012 – Phase 1 Projects Environmental Impact Statement and Final Record of Decision (ROD)* to read the analysis of the proposal but it is no longer available on-line.

Action Requested: I ask the USFS to include a No-Action alternative to building the Nordic and Snowshoe Center.

Action Requested: I ask the USFS to include alternatives to building the Nordic and Snowshoe Center that relocate the Center away from the Rio Hondo.

Action Requested: I ask that, if the USFS approves the Nordic and Snowshoe Center along the Rio Hondo, that it specify a setback from the Rio Hondo for the trails in the area that will provide reasonable space to ensure that silting, sedimentation and other effects of erosion will not impact the Rio Hondo due to the presence of the trails.

Action Requested: I also ask that the USFS require TSVI to repair the damage done to the banks of the Rio Hondo during the previous thinning activities.

Action Requested: I ask that the USFS analyze the Nordic and Snowshoe Center proposal to determine the direct, indirect and cumulative effects of the Nordic Center development on wildlife and water quality in the Rio Hondo.

Action Requested: I ask that the Forest Service remove inaccurate references to previous “approvals” of the Nordic and Snowshoe Center.

Errors in Process

Failure To Notify And Engage With Acequias, Land Grant Communities And Other Rural, Historic Communities.

USDA, Forest Service and NEPA regulations as well as Presidential Executive Orders require the Forest Service to reach out to potentially affected communities and groups of people to solicit and consider their input on the project projects:

40 CFR 1501.5(e):

“Agencies shall involve the public, State, Tribal, and local governments²⁸, relevant agencies, and any applicants, to the extent practicable in preparing environmental assessments.”

Executive Order 13985:

“Sec. 8. Engagement with Members of Underserved Communities. In carrying out this order, agencies shall consult with members of communities that have been historically underrepresented in the Federal Government and underserved by, or subject to discrimination in, Federal policies and programs. The head of each agency shall evaluate opportunities, consistent with applicable law, to increase coordination, communication, and engagement with community-based organizations and civil rights organizations.”

Executive Order 14096 Sec. 3 (vii) directs the Forest Service to:

“provide opportunities for the meaningful engagement of persons and communities with environmental justice concerns who are potentially affected by Federal activities, including by:...

“(vii)(B) fully considering public input provided as part of decision-making processes”.

USDA Regulation 5600-002, December 15, 1997, Environmental Justice Section 6

“c. To the greatest extent practicable, USDA agencies are to work within existing environmental and other programmatic frameworks to ensure environmental justice and participation of minority and low-income populations in decisions that affect their health or the quality of their environment.”

Regulation 5600-002 further provides that

“(3) Provide opportunities for community input in the NEPA process, including identifying potential effects and mitigation measures in consultation with affected communities and improving the accessibility of meetings, crucial documents, and notices;...”

²⁸ Acequia and community ditch associations are political subdivisions of the State of New Mexico

Carson National Forest Land Management Plan (MB-R3-02-11 September 2021) provides this guideline for working with Acequias and Land Grants:

“Coordination with interested and affected land grant-merced and acequia governing bodies should occur at the early stages of planning and project design, to incorporate community perspectives, needs, and concerns, as well as traditional knowledge into project design and decisions”

And in case there is any doubt about the applicability of the public participation requirement, Regulation 5600-002 states:

“d) The public participation requirements of E.O. 12898 must be met, even in cases where agencies do not make provision for early public participation in an environmental assessment.”

As with many of the other required activities of this NEPA process the Forest Service made minimal and insufficient efforts to comply with the repeated direction to involve the public. I understand during the Scoping Notice phase the Forest Service may have contacted individual members of one or two acequias, but they did not identify, contact or solicit input from most of the eleven Rio Hondo Acequias as individual organizations. Nor did they try to engage with the Land Grant-Merced organizations in the Rio Hondo Valley. The Forest Service did contact the Taos Valley Acequia Association (TVAA), but the TVAA does not represent all the Acequias along the Rio Hondo. And while TVAA is an effective and strong supporter of the local Acequias, contacting TVAA is not a substitute for contacting the Acequias themselves.

It seems that for the Draft Environmental Assessment the Forest Service’s entire public outreach effort was to conduct a single public meeting. That meeting was held on March 23rd, 2023 at Taos Ski Valley. Taos Ski Valley lies at the top of a winding, 7 mile long, mountain road which is usually impacted by snow and ice in March. On the 23rd the road was not only snow packed and icy but there was a significant snowstorm that night. About 12” of snow fell that evening. Many local residents, eager to participate, were unable to navigate the road and attend the meeting. Those who were able to attend found that the format of the meeting precluded public comment. As identified in the Orders and Regulation cited above, the Forest Service is required to accept public comments. When the public sought to provide comment, the Forest Service attempted to deny them the opportunity. The Forest Service quickly relented and public comments were made but only at the insistence of the participants.

Unsatisfied with the single public meeting and its inaccessibility, some of the Rio Hondo acequia associations, including the Acequia de San Antonio, requested another public meeting. The Forest Service scheduled another meeting for May 9th, 2023. That meeting was held at a hotel in the town of Taos. When participants arrived they found that the meeting was again organized to preclude public comment, but this time more egregiously so. The Forest Service had arranged a series of staffed tables which offered a one-way flow of information. Despite elderly and disabled persons, including disabled veterans, being in attendance, no chairs were available for participants²⁹. Chairs were, however, provided for Forest Service and TSVI

²⁹ An ADA violation

employees. While the meeting was peaceful and the all ages participants respectful, an armed Forest Service law enforcement officer was present.

I would like to point out that neither of the meetings were listed on the Forest Service Meeting Notices webpage for this Project.

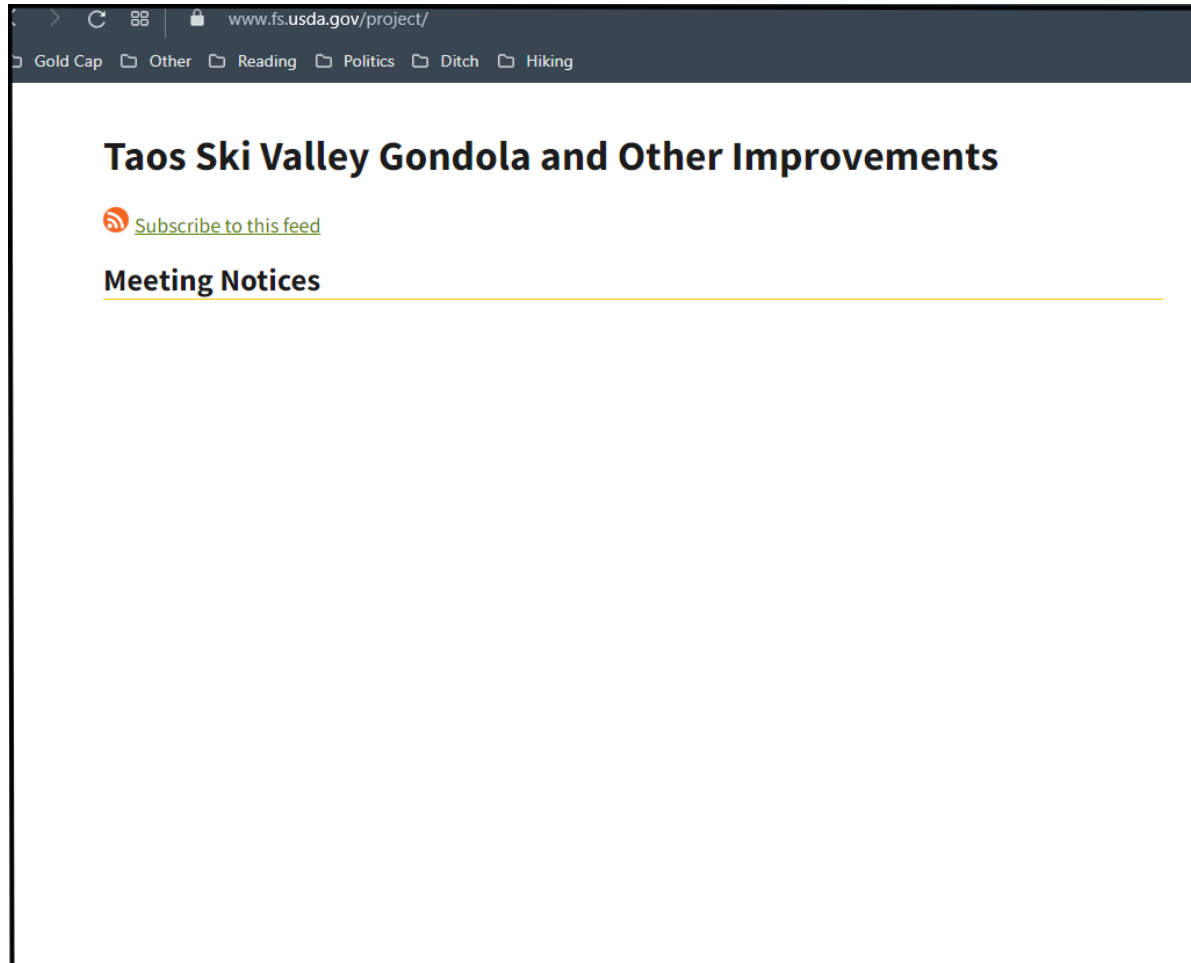


Figure 1.

Project Meeting Notices Webpage Captured May 10, 2023

Federal Regulations and Orders not only require a public outreach effort but they also require the Forest Service to consider the input received from the public and incorporate it into the process including the development of alternatives. Despite collecting over 300 comments during the Scoping Notice phase there is minimal evidence that the Forest Service considered that input or incorporated it into the Draft Environmental Analysis³⁰.

It is obvious that the Forest Service did not conduct the comprehensive, inclusive effort needed to ensure participation by the public as required by the laws, orders and regulations governing a

³⁰ Out 516 substantive comments received during the Scoping Phase only 10 issues were identified and included in the Draft Environmental Assessment.

NEPA process. The input they did receive from the public was not substantially incorporated into the process.

Action Requested: There is no way for the USFS to retroactively notify and collect information from the public. The only way to correct this error is to conduct a full Environmental Impact Statement process that includes a full public notification and engagement process. I request that they do so.

Environmental Justice

The Rio Hondo is a vital component of the rural historic communities that lie along its path. These communities are traditional Hispanic mountain villages that rely on the waters of the Rio Hondo to fill their acequias that support their traditional lifestyles. In addition to supplying the acequias, the Rio Hondo is the ultimate source for all the drinking water and domestic use water in the canyon and the valley. Therefore the quality of the water in all parts of the Rio Hondo is vitally important to the residents of the Rio Hondo communities. Any decrease in water quality or decrease in supply at the headwaters of the Rio Hondo may have a significant negative impact on life in Valdez, Cañoncito and Arroyo Hondo. Agriculture, health and cultural practices may all be negatively affected.

The Draft Environmental Analysis contains and reflects serious Environmental Justice issues. The proposed projects will benefit a wealthy group of privileged individuals and negatively impact low-income, disadvantaged³¹ Hispanic communities who have been historically disenfranchised. Unfortunately, the Analysis itself is structured to ignore³², or erase, the downstream Hispanic communities, as it considers and dismisses the Environmental Justice issues of the Project in a scant two paragraphs and then proceeds to ignore the downstream communities in its discussion of the watershed.

The Draft Environmental Analysis' Socio-economic analysis considers the impact area of the project as the whole of Taos County³³ and fails to separately consider the communities which would be most directly impacted by the Project, that is, the rural communities along the Rio Hondo. By diluting the effects of the Project within the greater population of Taos County the Analysis erases the downstream communities from the analysis.

Similarly, the focus on travel and tourism in the Socio-economic analysis unjustly skews the conversation to the benefit of TSVI and away from the historic, rural communities along the Rio Hondo. Those communities; Valdez, Canoncito, Turley Mill, and Arroyo Hondo, do not have hotels, motels, restaurants or retail outlets to capture the benefits of the Tourism. Instead they

³¹ The Rio Hondo valley is rated Disadvantaged by the Climate and Economic Justice Screening Tool <https://screeningtool.geoplatform.gov/en/#14.82/36.48824/-105.46361>

³² It's telling that the word "Hispanic" only appears once in a 59 page document covering enviro-social-economic issues in Northern New Mexico.

³³ "The analysis area for the project is defined as Taos County, New Mexico." P 28 Draft Environmental Assessment

use agriculture to supplement their food supply and incomes. Constructing the analysis to exclude agriculture ignores the unique characteristics of those primarily Hispanic and disadvantaged communities and again erases them from the conversation.

By ignoring these Environmental Justice issues the Draft Environmental Assessment violates numerous Federal Regulations and Directives:

1. Presidential Executive Order 12898 of February 11, 1994 *"Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations"*

Executive Order 12898 provides specific direction to Federal agencies. That direction was not applied during the development of the Draft Environmental Analysis:

Section 1–1 *Implementation of the Executive Order* says “...each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States...”.³⁴ The Draft Environmental Analysis identifies diminished water supplies as a concern to acequias in the area but does not address or provide analysis of that issue and fails to identify and address the many other issues of concerns to the downstream communities. If the Forest Service had met its responsibilities to meet with and listen to the Rio Hondo residents they would have discovered these issues which include human health, social, cultural and environmental effects. These effects are both cumulative and direct.

The Executive Order also directs agencies to “(2) *ensure greater public participation; (3) improve research and data collection relating to the health of and environment of minority populations and low-income populations; and (4) identify differential patterns of consumption of natural resources among minority populations and low-income populations.*” The Forest Service failed to notify or encourage the downstream communities of the opportunity to participate in the NEPA process (see detailed discussion in Section *“Failure to notify and engage with Acequias and Land Grant Communities and other rural, historic communities”*). The Draft Environmental Assessment makes no attempt to identify research and data collection opportunities that would provide the data needed to assess the health and environmental risks to the downstream communities even though those exist (see Section *“Failure To Consider Available Data On The Water Quality...”*).

The Analysis fails to identify or address the differential use of water among the Rio Hondo communities. The most definitive example of the differential use of water is the Rio Hondo communities' use of the Rio Hondo's waters for agriculture while the Ski Valley does not.

³⁴ Executive Order 14096 issued in April 2023 contains similar language.

In general the Draft Environmental Analysis dismisses, ignores and minimizes the impacts of the Project on disadvantaged, minority communities and subsequently declines to discuss those impacts based on that dismissal. In a glaring misstatement the Draft Environmental Assessment says *“Overall, because there would be no effects to identified minority or low-income populations and the proposed action would be compliant with Executive Order 12898, there would be no cumulative effects to environmental justice.”* This one sentence contains many errors. Let me point them out in order:

- The Draft Environmental Assessment failed to identify the effects on populations with environmental concerns,
- It provides no analysis of EO 12898 vis-a-vis the proposed Project.
- While there are certainly cumulative negative effects to the Project, which the Draft Environmental Assessment ignores, there is no direction by Executive order, law or regulation to consider only cumulative effects.
- The Draft Environmental Assessment then waves away all Environmental Justice issues because they have concluded there are none based on a faulty and incomplete analysis.

2. USDA Departmental Regulation Number: 5600-002, December 15, 1997, Environmental Justice³⁵.

Departmental Regulation 5600-002 directs USDA's implementation of the E.O. 12898 and directly applies to this NEPA process:

Regulation 5600-002 directs that *“In determining whether there are disproportionately high and adverse environmental or human health effects, including social and economic effects, on an identifiable low income or minority population, agencies should consider, as appropriate, such effects as... ..noise, and water pollution and soil contamination; destruction or disruption of man-made or natural resources; destruction or diminution of aesthetic values; destruction or disruption of community cohesion or a community's economic vitality; destruction or disruption of availability of public and private facilities and services;.... In determining if an effect on a minority and/or a low income population is disproportionately high and adverse, agencies should consider whether the adverse effect is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.”*

The Forest Service failed to follow Regulation 5600-002 as follows:

- In failing to ascertain if there were any adverse environmental or human health effects of the project,
- By failing to consider noise pollution from increased traffic immediately adjacent to and above the Rio Hondo valley,
- By failing to consider or investigate water pollution resulting from the foreseeable follow-on and cumulative development in the Kachina Basin and in Twining.

³⁵ <https://www.aphis.usda.gov/regulations/compliance/5600-002.pdf>

- By failing to consider the effect of diminished water quality and quantity in the cohesion and economic survival of the Rio Hondo communities
- By failing to consider the effect of diminished water quality and quantity on the water delivery systems, both acequias and domestic (public and private facilities) in the Rio Hondo Communities
- And by failing to identify, consider and analyze the disproportionate effect of those impacts on the primarily Hispanic, disadvantaged communities in the valley vs. the wealthy, privileged, community in the Ski Valley.

Regulation 5600-002 further provides that *“Whenever feasible, identify mitigation measures that reduce significant and adverse environmental effects of proposed Federal actions on minority and low-income populations;”* Obviously since the Forest Service failed to identify any adverse effects and failed to identify the impacted minority and low-income populations they also failed to meet this portion of the Regulation by failing to identify any mitigation measures.

Since compliance with E.O. 12998 is required regardless of the nature of the activity (*“the requirements of E.O. 12898 and this Departmental Regulation must be met...”*) the Draft Environmental Assessment is non-compliant with the President's directive.

3. Executive Order 14096 of April 21, 2023, *Revitalizing Our Nation's Commitment to Environmental Justice for All*

E.O. 14096 Sec. 3 (iii) directs Federal agencies to *“identify, analyze, and address historical inequities, systemic barriers, or actions related to any Federal regulation, policy, or practice that impair the ability of communities with environmental justice concerns to achieve or maintain a healthy and sustainable environment”*. By systematically excluding the Rio Hondo communities from the analysis, the Forest Service has failed to meet the requirements of this Section of the E.O. in that they have not identified, analyzed or addressed the relevant issues.

E.O. 14096 Sec. 3 (vi) further requires agencies to *“consider adopting or requiring measures to avoid, minimize, or mitigate disproportionate and adverse human health and environmental effects (including risks) and hazards of Federal activities on communities with environmental justice concerns, to the maximum extent practicable, and to address any contribution of such Federal activities to adverse effects — including cumulative impacts of environmental and other burdens — already experienced by such communities”*. By failing to identify those negative impacts and thereby ignoring them (see above) the Forest Service finds itself unable to meet the requirements of the Presidential Directive by adopting or requiring measures to reduce the effects of those impacts

I realize that Executive Order 14096 was signed by the President after the Draft Environmental Assessment was released. However E.O. 14096 is in effect today. And

the requirements of the E.O. build on and expand the Environmental and Social Justice requirements in other laws, regulations and Presidential Directives. If those other requirements had been met the Draft Environmental Assessment would likely be in substantive compliance with E.O. 14096. But the lack of compliance with those other laws, regulations and directives has left the Draft Environmental Assessment also out of compliance with E.O. 14096.

The waters of the Rio Hondo are important for cultural and traditional needs as well as for subsistence practices and economic support of rural historic communities. While the proposed projects may directly affect the waters of the Rio Hondo the proposal makes no provisions for ensuring that the water is of high quality, and is available in sustainable amounts. A more reasonable plan would include provisions for continuously and openly, measuring and monitoring the quantity and quality of water in the Rio Hondo as well as cooperatively managing the flow of the river. It is reasonably foreseeable that the lack of consideration of the Rio Hondo communities' needs may result in Rio Hondo water being unavailable and/or unacceptable for use.

These immediate Environmental Justice concerns are bounded by the historical injustices visited upon the Rio Hondo communities. Historically the residents of the Rio communities held the lands in the upper Rio Hondo in common. They used the canyon to pasture their animals, as a source of firewood, to forage for food and medicinal plants, for hunting, for religious practices, and, of course, as a source of potable water. These usages were not unique to the Rio Hondo, the same pattern of common resource usage existed throughout Northern New Mexico and Southern Colorado³⁶. When the Taos Forest Reserve was created in 1906 the Hispanic pastoral-agriculturalists of the Rio Hondo were dispossessed of these common lands and eventually forbidden from using them in their customary and ancient manner. Those lands subsequently became part of the Carson National Forest. In time some of the formerly common lands of the Rio Hondo were effectively given to Taos Ski Valley Inc. for its private, for-profit use. These events may seem like ancient history to many but to the residents of the Rio Hondo they have a current and continuing effect on their traditional way of life and cultural practices.

Action Requested: I request that USFS include a thorough and complete analysis of the Environmental Justice issues at stake and the conclusions should be corrected to reflect the new information. The Draft Environmental Assessment should also be revised to include compliance with Executive Order 14096 and a consideration of the history of Rio Hondo canyon and watershed.

Action Requested: I ask that the USFS analyze the direct, indirect and cumulative effects of the projects on the rural, historic communities along the Rio Hondo. The analysis should include the project's effect on the quantity and quality of the water in the Rio Hondo as well as the project's impact on the economy, health, services and culture of the Rio Hondo rural historic

³⁶ "Hispanic Land Grants, Ecology and Subsistence in the Uplands of Northern New Mexico and Southern Colorado," by John Van Ness, *Land, Water, and Culture, New Perspectives on Hispanic Land Grants*, ed. by Charles Briggs and John Van Ness, UNM Press 1987, pp. 141-214.

communities.

Failure To Include Alternatives including "No Action" Alternatives.

The Congressional Declaration Of National Environmental Policy (42 U.S. Code § 4331) states that it is the intent of Congress to:

- “(3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
- (4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;”

To implement that intent it is necessary to not only consider the actions proposed but to also consider alternatives to those actions. To that end multiple Federal Laws, Forest Service regulations and NEPA regulations require the inclusion of alternatives including No-Action alternatives in NEPA actions:

36 CFR 220.7(b)(2) “Proposed action and alternative(s). The EA shall briefly describe the proposed action and alternative(s) that meet the need for action. ”

42 USC 4332 (E) “study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;”

Forest Service Handbook 1909.15 – NEPA HANDBOOK, CHAPTER 20 Environmental Impact Statements And Related Documents

23.3 - Content and Format 5. (a) “Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated.”

Forest Service Handbook 1909.15 – NEPA Handbook Chapter 10 Environmental Analysis 14.2 – No-Action Alternative “The no-action alternative provides a baseline for estimating the effects of other alternatives; therefore, include the effects of taking no-action in each environmental analysis.”

FS Handbook 1909.15 – NEPA Handbook Chapter 10 Environmental Analysis 14 – Develop Alternatives “Reasonable alternatives to the proposed action should fulfill the purpose and need and address unresolved conflicts related to the proposed action. Be alert for alternatives suggested by participants in Scoping and public involvement activities. Consider alternatives, even if outside the jurisdiction of the Agency.”

42 USC 4332 C) "Include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment... (iii) alternatives to the proposed action"

Forest Service Regulations (41.22 - Proposed Action and Alternatives) do include an exception to this requirement to consider alternatives "When there are no unresolved conflicts concerning alternative uses of available resources (NEPA, section 102(2)(E)), the EA need only analyze the proposed action and proceed without consideration of additional alternatives. (36 CFR 220.7(b)(2)(i))". However this exception does not apply given the ongoing conflicts over water and development in the area.

Conflicts over water in New Mexico have been documented since the Pueblo Revolt of 1680. More recently the Abeyta (aka Taos Pueblo Water Rights Settlement) has dominated conversations about water rights in the Taos Area. Filed in 1969 the Abeyta lawsuit was settled in 2013 but the issues are still contentious as the components of the agreement are being implemented. The Abeyta settlement includes waters of the Rio Hondo. Conflicts over water were demonstrated during the Scoping Notice phase of this project as numerous commenters, including Acequia Associations objected to TSVI use of the Rio Hondo.

Land is another ongoing issue of contention in Taos County. Conflicts over land have been occurring since New Mexico's founding. Land Grant lands are a particular source of conflict in the Rio Hondo valley and have been especially heated since Statehood. In 1996 the District Court of New Mexico decided "Committee to Save the Rio Hondo v. Lucero". That case involved permitting of Taos Ski Valley Inc land use plans in the Ski Valley. More recently numerous letters from Land Grants were received during the Scoping Notice comment period for this Project; they and others cited land use issues in the Ski Valley.

The Draft Environmental Assessment states "The range of alternatives that the Forest Service ID Team considered for this analysis was bound by the purpose and need underlying the proposed action, as well as by the issues that arose from internal and external scoping." Federal Courts have ruled that while the purpose and need of the proposed project binds the analysis of alternatives, they cannot be used to eliminate the consideration of all substantive alternatives as has been done in this Draft Environmental Assessment.

The Draft Environmental Assessment does include four alternatives to sub-components of the Project but eliminates them from consideration immediately with no substantive discussion. Ironically, the section labeled "Alternatives Considered in Detail" contains no alternatives at all.

The Draft Environmental Assessment itself contains no No-Action alternatives. The Wildlife Technical Report appended to the EA does list cursory "No Action" alternatives for six of the proposed activities without substantial discussion. Lack of substantial discussion of alternatives itself violates Forest Service Regulations:

“The description of the proposal and alternative(s) may include a brief description of modifications and incremental design features developed through the analysis process to develop the range of alternatives considered.” Forest Service Handbook 1909.15 – ENVIRONMENTAL ASSESSMENTS AND RELATED DOCUMENTS 41.22 - Proposed Action and Alternatives

And

“If applicable, summarize how a proposal or alternative was changed through collaboration and analysis. Incorporate by reference any existing documents regarding alternative development.” Forest Service Handbook 1909.15 – ENVIRONMENTAL ASSESSMENTS AND RELATED DOCUMENTS 41.22 - Proposed Action and Alternatives

Despite being required by Federal Regulation the Draft Environmental Assessment does not present alternatives to the vast majority of the actions in the Proposal. It fails to adequately address the minimal alternatives it does present. There are no “No Action” alternatives included for the issues of concern to Acquias, that is, water quality, water availability, destruction of watershed habitats and impacts to our way of life. The restriction of the scope of alternatives, the lack of alternatives and the absence of a substantive discussion of alternatives renders the Draft Environmental Assessment incomplete.

Action Requested: I ask that the Forest Service include alternatives to all the actions proposed, including No Action alternatives, and thoroughly discuss those alternatives including all regulatorily required components.

Failure To Consider Available Data On Water Quality

The “Soil And Watershed Specialist Report” appended to the Draft Environmental Assessment only addresses water in the Canyon³⁷. The quality of water below the canyon mouth is ignored. The NM Environment Department and the Forest Service themselves have both found the Rio Hondo below the Canyon to be compromised. My understanding is that both the Forest Service and the Environment Department sample water immediately below the mouth of the canyon. If so, that means the waters are compromised before they have left Forest Service land. Further, easily foreseeable development will only make the water quality worse.

The Forest Service maintains an online Watershed Condition Interactive Map³⁸. On that map the headwaters of the Rio Hondo are graded “Functioning Properly” and the Lower Rio Hondo is graded “Functioning At Risk”. The map provides further details on the Lower Rio Hondo:

Aquatic Biota Condition	Fair (At Risk)
Water Quality Condition	Poor (Lowest Rating, Impaired)
Water Quantity Condition	Fair (At Risk)

³⁷ Page 13

³⁸

<https://usfs.maps.arcgis.com/apps/MapSeries/index.html?appid=f4332e5b80c44874952b57e1db0b4407>

Aquatic Habitat Condition Fair (At Risk)

The New Mexico Environment Department occasionally samples the water in the Rio Hondo. Similar to the Forest Service, they found areas of concern (“impacts have been observed that warrant close attention during future surveys”) the last time they sampled in 2004. During that sampling pH levels were abnormal and water temperatures were elevated.

40 CFR § 1502.23, Methodology and scientific accuracy, requires the Forest Service to “ensure the professional integrity, including scientific integrity, of the discussions and analyses in environmental documents. Agencies shall make use of reliable existing data and resources.” By failing to consider the publicly available data the USFS fails to meet the requirements for scientific integrity.

The proposed project in combination with easily foreseeable additional development in the Ski Valley may lead to significant negative cumulative effects on the quality of water in the Rio Hondo. As discussed in the *Cumulative Effects* section the USFS is required to consider cumulative effects even when they occur on non-USFS lands.

Action Requested: Include a comprehensive analysis of the water quality effects of the project regardless of where those effects occur and including all publicly available data.

Action Requested: New Mexico State University has funding for a project that will regularly monitor water quality in the Rio Hondo. That project will begin this summer. I ask that the USFS delay approval of the Gondola, Restaurant 7, Nordic Center and Water Tank components of the project until results from that NMSU water quality project are available to assess the current state of the Rio Hondo. In addition to assessing current conditions the NMSU project can be used to monitor water quality during and post construction. This prudent delay would help fulfill the Forest Services responsibilities under Executive Order 14096 “xi (B) ...considers best available science and information on any disparate health effects (including risks) arising from exposure to pollution and other environmental hazards...”.

Cumulative Impact

The Forest Service is required to address all of the cumulative impacts of the Project:
FSH 1909.15 - NEPA HANDBOOK CHAPTER 10

15.1 – “Cumulative effects must be considered and analyzed without regard to land ownership boundaries or who proposes the actions. Consideration must be given to the incremental effects of the action when added to the past, present, and reasonably foreseeable related future actions of the Forest Service, as well as those of other agencies and individuals, that may have a measurable and meaningful impact on particular resources.”

I want to emphasize that while the Draft Environmental Assessment sometimes constrains the scope of cumulative effects to the SUP and the Base Area. The relevant regulations and

Executive Orders do not similarly restrict the consideration of cumulative effects. Instead they direct the Forest Service to consider cumulative effects “without regard to land ownership boundaries or who proposes the actions” and to consider the effects on “communities” with no qualifications as to their location vis-a-vis Forest Boundaries.

The Draft Environmental Assessment presents an optimistic view of the cumulative effects of the Project: “It is anticipated that when combined with the recreation opportunities provided by past projects, the proposed action would have a cumulatively beneficial impact to recreation at TSV and guests of TSV”. The Draft Environmental Assessment is only able to arrive at this rosy view of the Project by ignoring significant and easily foreseeable negative consequences of the development.

Forest Service regulations anticipate this strategy and prohibit it:

FSH 1909.15 - NEPA HANDBOOK CHAPTER - ZERO CODE

“Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.”

When considering the true scope of projects in the Ski Valley the range of cumulative effects is much broader and less beneficial than those cumulative effects presented in the Draft Environmental Assessment. Additional projects proposed for the Ski Valley include:

- The development of private land in the Kachina Basin. TSVI has plans to develop that land to include spas, entertainment facilities, 24,000 sq. ft. of retail space, 100 new residential units and additional parking to support those activities,
- The portions of the 2021 MDP which have not yet been implemented, including additional base area expansions, construction of new guest facilities and upgraded multi-season and summer activities,
- New hotels, for example the significantly expanded Hotel St. Bernard,
- Major expansion of Village of Taos Ski Valley facilities, including a new Village Hall, new Fire Stations, public meeting spaces, a helipad, a recycling facility, bike paths, bus stops, and a wetlands park,
- And private plans for development which have not yet been made public.

We can surmise the scope of all the potential development from the Village of Taos Ski Valley *Master Water Plan*³⁹ issued in 2021. In that Plan significant growth is projected in the Kachina and Base areas including:

Type	2019 Baseline	Potential Growth	% Increase
Total Single Family Residences	103	209	102%
Hotel Rooms	108	186	72%

³⁹ <http://www.vtsv.org/wp-content/uploads/2022/03/WMP-Report-FINAL-12-16-21.pdf>

Type	2019 Baseline	Potential Growth	% Increase
Total Single Family Residences	103	209	102%
Multi-Family Residences	276	323	17%
Non-Residential Square Footage	155,272	205,572	32%

Table 1.

This level of growth is so significant that the 2021 *Water Master Plan* warns “if no improvements are made to the distribution system to reduce line losses, then it will be impossible to demonstrate that water will be available for any future development, including extending service to Amizette.” Not only have no improvements been made to the distribution system, but the distribution system has degraded significantly since the Plan was written as evidenced by the two major water outages last winter.

Approval of the portions of the Gondola and Other Improvements Project that would facilitate further development in the Ski Valley will significantly increase the cumulative effects of the past and current development.

Those effects are not theoretical. They have already begun and are evidenced by the malfunctioning Village water distribution system, the malfunctioning Village wastewater treatment plant and the water debt that the Village has incurred by approving the building of the Hotel St. Bernard without sufficient water.

Negative cumulative effects of all this development are not limited to water availability. Similar issues can be anticipated with water quality, traffic, impacts to wildlife, impacts to the wilderness areas, environmental justice and more.

The Forest Service must consider all the cumulative effects of the proposed project. Without a thorough identification and analysis of all those cumulative effects the Draft Environmental Assessment is incomplete.

Action Requested: I ask the Forest Service to thoroughly identify the cumulative effects for all components of the Project and include a complete analysis of those effects.

Need for an Environmental Impact Statement

An Environmental Assessment is inadequate to address all of the issues and potential impacts of this large scale and complex project. 42 USC Title 40 Chapter V Subchapter A Part 1502 § 1502.3 identifies the Statutory requirements for Environmental Impact Statements as follows:

“As required by section 102(2)(C) of NEPA, environmental impact statements are to be included in every Federal agency recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment.”

Forest Service regulations (FSH 1909.15, Section 5) defines significance for this purpose. The *Gondola and Other Improvements Project* meets multiple definitions of significance and, therefore per Forest Service Regulation, an Environmental Impact Statement is required for the Project. The significance definitions and a short discussion of how the Project meets those definitions follows:

“(2) The degree to which the proposed action affects public health or safety.”

The proposed project has the potential to significantly impact the water quality and availability for downstream communities. Reasonably foreseeable follow-on and cumulative development in the Kachina basin will capture water in excess of current utilization levels. As upstream usage increases and climate change makes less water available overall, water levels in the Rio Hondo will continue to drop with the potential to create shortages for both agriculture and domestic use⁴⁰ in the downstream communities. Continued development of the headwaters of the Rio Hondo will also affect water quality. As less water enters the stream, pollutants and contaminants will be concentrated in a smaller volume of water. That will increase the effects of runoff, any accidental but inevitable spills of pollutants and further compromise the already malfunctioning Village of Taos Valley wastewater system. In addition, the lower volume of water will naturally flow at a slower speed. Slow movement increases water temperature which lowers water quality.⁴¹

“(3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.”

The proposed projects abut declared wilderness areas, ecologically critical areas (wetlands, the headwaters of an Outstanding National Resource Waters, and unique riparian areas) and will have an impact on the rural, historic communities downstream from the project.

“(4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.”

Development in the Ski Valley has been the subject of protests, lawsuits and controversy since the 1980s. Recently downstream Acequia associations have officially called for a moratorium on development and the local newspaper has supported that moratorium.

⁴⁰ It is important to note that acequias not only deliver surface water for agricultural uses, they also recharge wells and aquifers all along their route.

⁴¹

<https://www.usgs.gov/special-topics/water-science-school/science/temperature-and-water#:~:text=Temperature%20is%20also%20important%20because,have%20a%20higher%20electrical%20conductivity>

“(6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

The approval of the Gondola Project will lead to reasonably foreseeable actions to further develop the Kachina basin and the greater Taos Ski Valley area. In addition if the Project is approved under the extra-regulatory conditions outlined in the Draft Environmental Assessment it will serve as a precedent for additional extra-regulatory actions.

“(7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.”

The approval of the Gondola Project will lead to reasonably foreseeable actions to further develop the Kachina basin and the greater Taos Ski Valley area. Those actions will impact, but not be limited to, wastewater and water systems in Ski Valley, water availability and water quality all along the Rio Hondo including the Ski Valley, Valdez, Canoncito, Turley Mill and Arroyo Hondo. Those actions will have cumulative significant impacts (see further discussion in the *Cumulative Impact* Section) on the human environment via the direct and cumulative effects on the downstream communities.

“(8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.”

The Gondola project through its impact on the headwaters may cause loss or destruction of historical lifestyles and acequia systems in the rural, historic communities which lie downstream of the development (see further discussion in the *Environmental Justice* Section).

Action Requested: I ask that the USFS study the direct, indirect and cumulative effects of the proposed development and the interaction of that development with all the other ongoing and planned projects in and around the Ski Valley to determine the likely cumulative effects of the Project.

Action Required: Individually any of these factors would trigger an Environmental Impact Statement process per Federal Regulation. Taken together they make the use of an Environmental Impact Statement unavoidably required. Therefore, I request that the Forest Service conduct an Environmental Impact Statement process that is compliant with the applicable Federal Laws and Regulations.

General Errors and Discrepancies

Overall the quality of the Draft Environmental Assessment is very low. It contains numerous errors, misleading statements and the occasional drivel⁴². It consistently ignores NEPA processes and relevant regulations. In addition it fails to provide access to documents that form the basis for some of its conclusions. Those errors put the Forest Service at risk for a successful legal challenge to the process and, more importantly, deprive the public of a fair opportunity to understand and comment on the Project.

Examples of Errors and Discrepancies:

- A. Comfortable Carrying Capacity (CCC) is a metric which was developed by SE Group for use in determining ski area capacity. SE Group considers the formulas proprietary and will not release the formulas to the public so there is no way to verify whether they are accurate, reasonable or applied consistently.
- B. TSV currently utilizes its complete diversionary right for 200 acre-feet and would continue to do so under the proposed action. “According to TSVI it does not use its complete diversionary right for 200 acre-feet per year of water. According to the handout entitled “Water Rights & Usage FAQ” distributed by TSVI at the May 9th meeting it uses about 145 acre feet per year of that right.
- C. Inadequate Maps
The *Soil and Water Specialist Report* references maps in support of its conclusions⁴³. Those maps are at a scale and level of detail which makes it impossible for the reader to judge whether those conclusions are correct.
- D. *Table 1. Project Element Disturbance Areas* in the *Soil and Water Specialist Report* does not specify the unit of measure for the disturbance areas. Is it square feet, acres, meters?
- E. “This wilderness area [Columbine-Hondo Wilderness (CHW)] does not share a boundary with TSV like WPW does; therefore, it is expected that no direct or indirect impacts would occur within this wilderness area as a result of the proposed projects. Because of the spatial separation, the CHW will not be analyzed any further for impacts expected from the proposed projects.” The CHW may not actually touch the SUP but the CHW lies within 100 meters of the SUP. At its closest the CHW is only separated from TSVI SUP by a parking lot. Certainly that should be close enough to trigger the consideration of the impacts of the Project on the CHW.

⁴² “Recreation at TSV has been prevalent since its inception as a ski resort.”

⁴³ “Disturbance to existing vegetation and soil would be limited to the areas depicted in Figures 2 & 3, to reduce soil erosion and stormwater pollution”

- F. The Draft Environmental Assessment references⁴⁴ TSV status as a certified B-Corporation as validation for its business practices. B-Corp certification is a private certification based on self-reported criteria and is not linked to any international standard. It is used as a public relations tool, not an objective measure of a company's business practices.
- G. Table 3-1. TSV Existing Employment lists seasonal employees as “full-time.” According to the IRS and the US Labor Department, a seasonal worker is not full-time.
- H. The Draft Environmental Analysis states “...This lift [the Kachina Peak Lift]] is used in conjunction with Lift 4 for longer descents and in conjunction with Lift 7 to access the Frontside.” The Kachina Peak Lift ends at the top of Kachina Peak and does not link up to Lift 7 in a way to provide meaningful access to the Frontside. Perhaps the authors were thinking of Lift 4?
- I. The Pit House is listed as a guest service facility. In reality, it is a snowmaking facility.
- J. The Soil and Water Specialist Report says “Small portions of the base-to-base Gondola including **both terminals** and a segment of the Gondola line would be located on TSV lands.” But the Draft Environmental Assessment says “Specifically, the terminal proposed within the Kachina Basin base area would be **located on NFS lands**” [Emphasis added]
- K. The captions on the photos in the *Botany BA*, are confusing and misleading.
- L. The document labeled *Botany BA* is not a Botany specific Biological Assessment. In fact it doesn't contain the word “botany” at all. It appears to be an all species Biological Assessment.

Action Requested: I ask the USFS to correct the above errors and discrepancies.

Missing Documents

USDA Regulation 5600-002 requires agencies to:

“(3) Provide opportunities for community input in the NEPA process, including identifying potential effects and mitigation measures in consultation with affected communities and improving the accessibility of meetings, **crucial documents**, and notices;...” [Emphasis added]

Presidential Executive Order 12898 of February 11, 1994 says:

“(c) Each Federal agency shall work to ensure that **public documents**, notices, and hearings relating to human health or the environment are concise, understandable, and **readily accessible to the public.**” [Emphasis added]

⁴⁴ Page 33

A Citizen's Guide to NEPA 2021, a U.S. Government Document states:

“In any case, citizens are entitled to receive “**environmental documents**,” such as EAs, involved in the NEPA process.” [Emphasis added]

EO 14096 Sec 3 requires “vii (D) providing technical assistance, tools, and **resources** to assist in facilitating meaningful and informed public participation, whenever practicable and appropriate;” [Emphasis added]

At the March 23rd meeting a slide deck⁴⁵ was used that was labeled as a Forest Service product. Slide 10 of that Slide Deck stated: “A water sufficiency report has been performed, finding a sufficient supply”. Given that the water sufficiency report was used as a basis for a finding the report should be publicly available. There is no water sufficiency report in the Project Documents website for this Project. I requested that report from Paul Schlike, with a CC to Adam Ladell and James Duran, on March 27th. Almost 2 months later I have not received a response to my request and the water sufficiency report has not been made available on the Project Website.

Both the Draft Environmental Assessment and the Soil and Water Specialists report reference a *Storm Water Pollution Prevention Plan* (SWPPP) as a key component of the framework to safeguard the TSV environment. The Draft Environmental Assessment states that the SWPPP is available in the project file. There is no SWPPP on the Project Documents website for this Project. I requested a copy of the SWPPP from Paul Schilke, with a CC to Adam Ladell, on April 19th. As of May 16th, I have not received a response to my request and the SWPPP has not been made available on the Project Website.

The Soil and Water Specialist Report states “This area was previously analyzed and **approved** as a snowshoe zone in the *2012 TSV MDP – Phase 1 Projects Environmental Impact Statement and Final Record of Decision (ROD)*”. That document is not available on the Project website and does not appear in web search.

The table of contents for the *Botany BA* and the *Wildlife Report* both list an *Appendix B. USFWS Species List/Consultation Letter* in their Table of Contents. There is no *Appendix B. USFWS Species List/Consultation Letter* in either report.

Page 8 of the Soil and Water Specialist Report states “This area was previously analyzed and approved as a snowshoe zone in the *2012 TSV MDP – Phase 1 Projects Environmental Impact Statement and Final Record of Decision (ROD)*” I would be very interested in examining the *2012 – Phase 1 Projects Environmental Impact Statement and Final Record of Decision (ROD)* to read the analysis of the proposal but it is not available on the Project Website or anywhere else on-line.

⁴⁵ <https://usfs-public.app.box.com/v/PinyonPublic/file/1175180477869>

Requested Action: I request that USFS either remove all references to the missing documents or provide the documents.

Conflicts with 2021 Forest Management Plan

The Draft Environmental Analysis contains numerous conflicts with the 2021 Carson National Forest Forest Management Plan (MB-R3-02-11)⁴⁶. Below I document some of those conflicts in reference to components of the Land Management Plan .

Cultural Resources Desired Conditions (FW-CR-DC)

“5. Traditional communities (e.g., land grant-merced and acequia governing bodies, federally recognized tribes) have opportunities to participate in the identification, protection, and preservation of cultural and historic resources that have importance to them.

Discussion: The USFS failed to provide adequate opportunities to traditional communities

Discussion: The plan as proposed fails to include the needs of historic rural communities. Ultimately reduced water quality and volume due to poor planning may reduce the economic viability of rural historic communities.

Cultural Resources Guidelines (FW-CR-G)

“1. When adverse effects to cultural and historic resources occur, known communities to whom the resources are important should be involved in the resolution of the adverse effects.”

Discussion: The USFS failed to provide adequate opportunities to traditional communities

Discussion: The plan as proposed fails to include the needs of historic rural communities. Ultimately reduced water quality and volume due to poor planning may reduce the economic viability of rural historic communities.

Lands Desired Conditions (FW-LAND-DC)⁴⁷:

“1. NFS lands exist as a mostly contiguous land base that best provides for and contributes to long-term socioeconomic diversity and stability of local communities, management of vegetation and watershed health, wildlife habitat and diversity, and recreation and scenic opportunity.”

Discussion: The actions proposed in this notice may diminish socioeconomic diversity and stability of local communities, watershed health, wildlife habitat and diversity, and scenic opportunity by removing habitat, compromising riparian areas, and reducing water quality and volume.

Riparian Management Zone Desired Conditions (FW-WSW-RMZ-DC)

⁴⁶ https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd942568.pdf

⁴⁷ I've retained the acronyms used in the Forest Management Plan

“1. Riparian ecosystems are not fragmented or constrained, and are properly functioning”

Discussion: The project as proposed may directly fragment and constrain riparian areas along the headwaters of the Rio Hondo by destabilizing banks, and removing the trees and vegetation that underpin the riparian ecosystem.

Discussion: The project as proposed may reduce functioning of riparian ecosystems of the Rio Hondo by removing trees and vegetation which may increase runoff, silting, sedimentation, SPM and increase water temperatures.

“2. Riparian vegetation, particularly native species, support a wide range of vertebrate and invertebrate animal species. There is adequate recruitment and reproduction to maintain diverse native plant species composition indicative of the soil moisture conditions for the site and desired conditions for the vegetation community.”

Discussion: The project as proposed may remove riparian vegetation along the headwaters of the Rio Hondo compromising its ability to support a wide range of species.

Discussion: The project as proposed may negatively impact riparian vegetation due to decreased soil moisture resulting from the removal of trees and vegetation from the site.

“4. Riparian vegetation (density and structure) provides site-appropriate shade to regulate water temperature in streams.”

Discussion: The project as proposed may remove riparian vegetation along the headwaters of the Rio Hondo removing the shade necessary to regulate water temperature. Increased sedimentation may decrease stream flows thereby raising temperatures.

Discussion: The project as proposed may reduce the ability of riparian ecosystems to provide shade to the Rio Hondo by removing trees and vegetation.

“5. Riparian ecosystems exhibit connectivity between and within aquatic, riparian, and upland components that reflect their natural linkages and range of variability. Stream courses and other links provide habitat and movement that maintain and disperse populations of riparian-dependent species, including beaver. Riparian areas are connected vertically between surface and subsurface flows.”

Discussion: The project as proposed may remove riparian ecosystems along the headwaters of the Rio Hondo thereby removing their connectivity and destroying habitat.

Discussion: The project as proposed is directly adjacent to one or more active beaver colonies and immediately upstream from several more colonies. The beavers are currently struggling to reestablish themselves in their traditional range. The removal of trees and vegetation from the Nordic site may result in increased silting, sedimentation and SPM detrimental not only to the beavers, but to all the animals

along the Rio Hondo. It may also result in the removal of food from the beaver's habitat.

"6. Floodplains and adjacent upland areas provide diverse habitat components (e.g., vegetation, debris, logs) necessary for migration, hibernation, and brumation (extended inactivity) specific to the needs of riparian-obligate species."

Discussion: The project as proposed may remove habitat components along the headwaters of the Rio Hondo and thereby reduce diversity necessary for migration, hibernation, and brumation specific to the needs of riparian-obligate species.

Discussion: The project as proposed may remove habitat components along the upland areas of the Rio Hondo reducing diversity of habitat.

"9. Commensurate with the capability of individual riparian types and consistent with the hydrologic cycle, riparian vegetation provides life-cycle habitat needs for native and desirable nonnative, obligate riparian, and aquatic species and supports other wildlife."

Discussion: The project as proposed may remove riparian vegetation along the headwaters of the Rio Hondo and in doing so, remove life-cycle habitat.

Riparian Management Zone Guidelines (FW-WSW-RMZ-G)

"4. To protect water quality and aquatic species, refueling, maintaining equipment, and storing fuels or other toxicants should not occur in riparian management zones"

Discussion: The Kachina terminal of the gondola will be within a riparian management zone and immediately adjacent to a wetland. If built as proposed the maintenance facility may pose a hazard to water quality and aquatic species.

Rural Historic Communities Desired Conditions (FW-RHC-DC):

"1. The uniqueness and values of rural historic communities and the traditional uses important for maintaining these cultures are recognized and valued as important.

"2. The long history and ties of rural historic communities and traditional uses (e.g., livestock grazing, fuelwood gathering, acequias, and hunting) to NFS lands and resources is understood and appreciated.

"3. Forest resources important for cultural and traditional needs (e.g., osha, piñon nuts, okote [pitch wood], medicinal herbs, and micaceous clay), as well as for subsistence practices and economic support of rural historic communities (e.g., livestock grazing, acequias, firewood, vigas, latillas, gravel, soils, and other forest products) are available and sustainable."

Discussion: By failing to recognize, value, understand and appreciate the needs of rural historic communities, and include them in the plan, TSV Inc. has failed its responsibilities to those cultural institutions. Reduced water quality and volume may reduce the economic and cultural viability of rural historic communities.

Discussion: The plan as proposed fails to include the needs of historic rural

communities. Ultimately reduced water quality and volume due to poor planning may reduce the economic viability of rural historic communities.

Scenery Desired Conditions (FW-SCEN-DC)

“5. The Carson appears predominantly natural and human activities do not dominate the landscape.

“6. High-quality scenery dominates the landscape in areas that the public values highly for scenery (e.g., scenic byways, major roads and trails, and developed recreation sites) and in areas with high scenic integrity (e.g., wildernesses, wild and scenic rivers [wild classification only], inventoried roadless areas).”

Discussion: The highly unnatural gondola will dominate the visual and aural environment along the Lake Fork of the Rio Hondo and in the Kachina basin. It may be easily visible from the adjoining Columbine–Hondo and Wheeler Peak Wilderness Areas and spoil the views from those areas.

Scenery Guidelines (FW-SCEN-G)

“1. Constructed features, facilities, and other infrastructure activities should blend with the natural appearing landscape and complement the natural setting.

“2. a. In areas with very high scenic integrity objectives, the scenic character should have only minor, if any, deviations. The areas should appear unaltered, with most of the area dominated by ecological processes. Range facilities are allowed, but mitigation measures should be used to minimize impacts to scenic quality.”

Discussion: Due to its nature, it is impossible for a gondola to blend with the natural landscape and complement the natural setting. It may be visible from the adjoining Columbine–Hondo and Wheeler Peak Wilderness Areas and spoil the views from those areas.

Streams Desired Conditions (FW-WSW-RMZ-STM-DC)

“2. Stream ecosystems, including ephemeral watercourses, provide connectivity that is important to at risk species—for dispersal, access to new habitats, perpetuation of genetic diversity, seasonal movement, as well as nesting and foraging.

“3. Aquatic species are able to move throughout their historic habitat, including opportunities for seasonal and opportunistic movements. Barriers to movement only exist to protect native aquatic species from nonnative aquatic species or for agricultural benefit (e.g., headgates). “4. Streams and their adjacent floodplains are connected and capable of filtering, processing, and storing sediment; aiding floodplain development; facilitating floodwater retention; withstanding high flow events; and increasing groundwater recharge.”

Discussion: The project as proposed may remove stream ecosystems along the headwaters of the Rio Hondo thereby removing its ability to provide connectivity and preventing aquatic species from moving through their habitat and reducing opportunities for other movements. Floodwater retention may be compromised and groundwater recharge diminished.

Discussion: The project as proposed may reduce functioning of riparian ecosystems of the Rio Hondo by removing trees and vegetation which may increase runoff, silting,

sedimentation and SPM and increase water temperatures which in turn may affect species ability to move through and utilize the environment.

“4. Streams and their adjacent floodplains are connected and capable of filtering, processing, and storing sediment; aiding floodplain development; facilitating floodwater retention; withstanding high flow events; and increasing groundwater recharge.”

Discussion: The project as proposed may remove trees and vegetation from along the Rio Hondo. Removal of trees and vegetation may decrease floodwater retention and groundwater recharge may be diminished.

“5. Water quality meets or surpasses State of New Mexico water quality standards for designated uses.

“6. The quantity and timing of stream flows are sustained at levels that maintain or enhance essential ecological functions, including channel and floodplain morphology, groundwater recharge, water quality, and stream temperature regulation.”

Discussion: The project as proposed may remove stabilizing banks, stream trees and vegetation along the headwaters of the Rio Hondo impairing stream flows, ecological functions and water quality by increasing sedimentation and increasing water temperatures.

Discussion: The project as proposed will remove trees and vegetation from along the Rio Hondo reducing water quality by increasing sedimentation and SPM and increasing water temperatures.

Waterbodies Desired Conditions (FW-WSW-RMZ-WB-DC)

“1. Lakes, natural ponds, and their associated wetlands have the necessary soil, water, and vegetation attributes (e.g., diverse age classes and diverse composition of native plant species) to be resilient to human and natural disturbances and changing climate conditions across the landscape.”

Discussion: The project as proposed may remove soil, water and vegetation attributes along the wetlands associated with the Rio Hondo system reducing their resiliency and ability to adapt to changing climate conditions.

“2. Waterbodies support native biotic communities; there is adequate riparian vegetation and large woody debris to provide ecological conditions necessary for persistence. Commensurate with site capability, native vegetation around lakes and ponds exhibits various age classes and diverse composition of native species (e.g., grasses, forbs, sedges, shrubs, and deciduous trees) and includes species that indicate maintenance of riparian soil moisture characteristics (e.g., sedges, rushes, willows, and other riparian vegetation). Vegetation associations are variable, depending on waterbody size, location, and type and may include aquatic plants or algae, submergent and floating vegetation, emergent vegetation, grasses, forbs, sedges, shrubs, and deciduous trees.”

Discussion: The project as proposed may remove riparian vegetation thereby harming biotic communities.

“4. Hydrophytes and emergent vegetation exist in patterns of natural abundance in waterbodies and associated wetlands, at levels that reflect climatic conditions. Overhanging vegetation and floating plants (e.g., water lilies), are present where they naturally occur.”

Discussion: The project as proposed may remove soil, water and vegetation attributes along the wetlands associated with the Rio Hondo system reducing the natural abundance of hydrophytes and emergent vegetation.

Watershed and Water Desired Conditions (FW-WSW-DC)

“1. Watersheds are functioning properly or trending toward proper functioning condition and resilient in that they exhibit high geomorphic, hydrologic, and biotic integrity relative to their potential condition.

“2. Ecological components (e.g., soil, vegetation, and fauna) are resilient or adaptive to disturbances, including human activities, changes in climate patterns, and natural ecological disturbances (e.g., fire, drought, flooding, wind, grazing, insects, disease, and pathogens) and maintain or improve water quality and riparian and aquatic species habitat. “3. Soils, riparian areas, and watersheds sustain groundwater quantity and quality and recharge in aquifers. The water table is maintained at a level that sustains native riparian and aquatic vegetation, high productivity, and soil moisture characteristics.

“4. Aquatic habitats are connected and free from alterations (e.g., temperature regime changes, lack of adequate streamflow, and constructed barriers to aquatic organism passage) to allow for species migration, connectivity of fragmented populations, and genetic exchange. A constructed barrier to movement exists only to protect native aquatic species from nonnative aquatic species or for agricultural benefit (e.g., headgates).”

Discussion: The project as proposed may impair the function and diminish the resiliency and adaptivity of the headwaters of the Rio Hondo by destabilizing banks, removing trees and vegetation, removing riparian areas, constraining the natural flow of the river, and impinging on wetlands and aquatic species habitat. Groundwater quality and aquatic habitats may be reduced.

Discussion: Removing five million gallons of water from the Rio Hondo watershed and storing it in a tank will displace the water from its natural hydrological paths, decrease proper functioning and reduce the resiliency of the watershed and its ecological components. The result may be reduced groundwater quantity and quality and diminished recharge rates in aquifers.

“5. Aquatic and riparian habitats support self-sustaining populations of native fish, as well as other aquatic and riparian species. Ecosystems provide the quantity and quality of aquatic and riparian habitat commensurate with reference conditions.”

Discussion: The project as proposed may negatively impact native fish of the Rio Hondo system by creating conditions which will degrade aquatic and riparian habitats negatively impacting their ability to sustain populations of fish and other aquatic and riparian species.

“6. Watersheds support multiple uses (e.g., timber, recreation, grazing, and traditional

uses by tribal communities and acequia associations) with no long-term decline in ecological conditions. Short Term impacts occur only when they serve to improve conditions over the life of the plan.”

Discussion: The project as proposed may negatively impact ecological conditions by destabilizing banks, removing trees and vegetation, removing riparian areas, constraining the natural flow of the river, and impinging on wetlands. The project as proposed may reduce the ability of acequia associations to use the waters of the Rio Hondo by decreasing water quality.

“7. Surface water and groundwater quality meet State water quality standards for designated uses.”

Discussion: The project as proposed may negatively affect water and groundwater quality by destabilizing banks, removing trees and vegetation, removing riparian areas, constraining the natural flow of the river, and impinging on wetlands.

Wetland Riparian Desired Conditions (FW-WSW-RMZ-WR-DC)

“1. Necessary soil, hydrologic regime, vegetation, and water characteristics of wetland riparian vegetation communities sustain the system’s ability to support unique physical and biological attributes and the diversity of associated species (e.g., shrews and voles). Soils’ ability to infiltrate water, recycle nutrients, and resist erosion is maintained and allows for burrowing by at-risk species.”

Discussion: By removing trees and vegetation along the route of the gondola necessary soil, bank integrity, hydrologic regime, vegetation, and water characteristics of wetland riparian communities may be removed.

“2. Upland vegetation is not encroaching, and the extent of wetlands is widening or has achieved its maximum potential and is within the natural range of variability. Development of fens continues.”

Discussion: By constraining wetlands with a bridge, a gondola terminal and a maintenance facility the existing wetlands may be contracted and unable to achieve their maximum potential.

“4. To maintain the persistence of at-risk species, microhabitat conditions supporting bog violet (soggy soils under shrubs and willows) are present, commensurate with site potential.”

Discussion: By removing trees and vegetation along the route of the gondola and to clear space for the bridge, terminal and maintenance facility, at-risk species habitat may be removed.

Wildlife, Fish, and Plant Desired Conditions (FW-WFP-DC)

“1. Sustainable populations of terrestrial and aquatic plant and animal species, including at-risk species, are supported by healthy ecosystems, as described by vegetation and watersheds and water desired conditions.”

Discussion: By removing trees and vegetation along the route of the gondola healthy ecosystems may be dismantled placing populations of terrestrial and aquatic plant and animal species at risk.

“2. Ecological conditions (vegetation and watersheds and water desired conditions) affecting habitat quality, distribution, and abundance contribute to self-sustaining populations of terrestrial and aquatic plant and animal species, including at-risk species, that are healthy, well distributed, genetically diverse, and connected (on NFS lands and to adjacent public and privately conserved lands), enabling species to adapt to changing environmental and climatic conditions. Conditions as described in vegetation and watersheds and water desired conditions provide for the life history, distribution, and natural population fluctuations of the species within the capability of the ecosystem.”

Discussion: By removing trees and vegetation along the route of the gondola ecological conditions may be worsened and negatively impact species' ability to adapt.

“3. Ecological conditions (vegetation and watersheds and water desired conditions) provide habitat that contribute to the survival, recovery, and delisting of species under the Endangered Species Act; preclude the need for listing new species; improve conditions for species of conservation concern; and sustain both common and uncommon native species.”

Discussion: By removing trees and vegetation along the route of the gondola habitat may be degraded and the survival, recovery and delisting of species under the Endangered Species Act may decrease.

“4. Habitat conditions (vegetation and watersheds and water desired conditions) provide the resiliency and redundancy necessary to maintain species diversity and metapopulations.”

Discussion: By removing trees and vegetation along the route of the gondola, habitat may be degraded and resilience and redundancy may decrease.

“5. Habitat connectivity and distribution provide for genetic exchange, daily and seasonal movements of animals, and predator-prey interactions across multiple spatial scales, consistent with existing landforms and topography.”

Discussion: By removing trees and vegetation along the route of the gondola, daily and seasonal movement of animals may decrease.

“7. To the extent possible, wildlife and fish are free from harassment and human disturbance at a scale that impacts vital functions (e.g., seasonal and daily movements, breeding, feeding, and rearing young) and could affect persistence of the species.”

Discussion: Constructing a large, 1,800 pph, gondola and its associated terminal building will directly increase the presence of humans which may, in turn, increase harassment and disturbance at a scale that impacts vital functions. In addition, the presence of the gondola will increase commercial activity in the area which may further increase harassment and disturbance.

“9. Habitats in the forest allow for the maintenance and promotion of interspecific relationships (e.g., predator-prey relationships and keystone species relationships).”

Discussion: By removing trees and vegetation along the route of the gondola, interspecific relationships may be disrupted due to the lack of habitat for those interactions to occur.

“10. All aquatic and riparian habitats are hydrologically functioning and have sufficient emergent vegetation (as described in watersheds and water desired conditions or by site potential), as well as macroinvertebrate populations that support resident and migratory species.”

Discussion: By removing trees and vegetation along the route of the gondola, the proper functioning of aquatic and riparian habitats may be interrupted, in turn the habitats may fail to support resident and migratory species.

Watershed and Water Desired Conditions (FW-WSW-DC)

“1. Watersheds are functioning properly or trending toward proper functioning condition and resilient in that they exhibit high geomorphic, hydrologic, and biotic integrity relative to their potential condition.

“2. Ecological components (e.g., soil, vegetation, and fauna) are resilient or adaptive to disturbances, including human activities, changes in climate patterns, and natural ecological disturbances (e.g., fire, drought, flooding, wind, grazing, insects, disease, and pathogens) and maintain or improve water quality and riparian and aquatic species habitat. “3. Soils, riparian areas, and watersheds sustain groundwater quantity and quality and recharge in aquifers. The water table is maintained at a level that sustains native riparian and aquatic vegetation, high productivity, and soil moisture characteristics.”

Discussion: The project as proposed may impair the function and diminish the resiliency and adaptivity of the Rio Hondo by disturbing the soil, increasing runoff and erosion. Groundwater quality and quantity may be reduced.

Discussion: The project as proposed may reduce groundwater quality of the Rio Hondo system by removing trees and vegetation which may increase runoff, silting, sedimentation and SPM and increase water temperatures. The results may be decreased watershed functioning, resiliency, and water quality.

“5. Aquatic and riparian habitats support self-sustaining populations of native fish, as well as other aquatic and riparian species. Ecosystems provide the quantity and quality of aquatic and riparian habitat commensurate with reference conditions.”

Discussion: The project as proposed may negatively impact native fish of the Rio Hondo system by removing trees and vegetation leading to increased silting, sedimentation, SPM and higher temperatures in the aquatic and riparian habitats.

“6. Watersheds support multiple uses (e.g., timber, recreation, grazing, and traditional uses by tribal communities and acequia associations) with no long-term decline in ecological conditions. Short Term impacts occur only when they serve to improve conditions over the life of the plan.”

Discussion: The project as proposed may negatively impact ecological conditions by removing trees and vegetation. The project as proposed may reduce the ability of acequia associations to use the waters of the Rio Hondo by decreasing water quality.

“7. Surface water and groundwater quality meet State water quality standards for designated uses.”

Discussion: The project as proposed may negatively affect water and groundwater quality by disturbing the soil, increasing runoff and erosion. Groundwater quality and quantity may be reduced.

Discussion: The project as proposed may reduce groundwater quality of the Rio Hondo system by removing trees and vegetation which may increase runoff, silting, sedimentation, SPM and increase water temperatures. The results may be decreased water quality.

Wetland Riparian Desired Conditions (FW-WSW-RMZ-WR-DC)

“1. Necessary soil, hydrologic regime, vegetation, and water characteristics of wetland riparian vegetation communities sustain the system’s ability to support unique physical and biological attributes and the diversity of associated species (e.g., shrews and voles). Soils’ ability to infiltrate water, recycle nutrients, and resist erosion is maintained and allows for burrowing by at-risk species.”

Discussion: The project as proposed will remove trees and vegetation from along the Rio Hondo exposing and drying out soils and reducing the system's ability to support unique attributes and a diversity of species. Without its natural cover the soils’ ability to infiltrate water, recycle nutrients, and resist erosion may be compromised.

Wildlife, Fish, and Plant Desired Conditions (FW-WFP-DC)

“1. Sustainable populations of terrestrial and aquatic plant and animal species, including at-risk species, are supported by healthy ecosystems, as described by vegetation and watersheds and water desired conditions.”

Discussion: The project as proposed may reduce functioning of riparian ecosystems of the Rio Hondo by removing trees and vegetation which may increase runoff, silting, sedimentation, SPM, and increase water temperatures. These changes may reduce the health of the ecosystem and its ability to sustain plant and animal species.

“2. Ecological conditions (vegetation and watersheds and water desired conditions) affecting habitat quality, distribution, and abundance contribute to self-sustaining populations of terrestrial and aquatic plant and animal species, including at-risk species, that are healthy, well distributed, genetically diverse, and connected (on NFS lands and to adjacent public and privately conserved lands), enabling species to adapt to changing environmental and climatic conditions. Conditions as described in vegetation and watersheds and water desired conditions provide for the life history, distribution, and natural population fluctuations of the species within the capability of the ecosystem.”

Discussion: The project as proposed may reduce the functioning of riparian ecosystems of the Rio Hondo by removing trees and vegetation which may increase runoff, silting, sedimentation, SPM and increase water temperatures. These changes may reduce the

health of the ecosystem and negatively impact species ability to adapt.

“3. Ecological conditions (vegetation and watersheds and water desired conditions) provide habitat that contribute to the survival, recovery, and delisting of species under the Endangered Species Act; preclude the need for listing new species; improve conditions for species of conservation concern; and sustain both common and uncommon native species.”

Discussion: By removing trees and vegetation habitat may be degraded and the survival, recovery and delisting of species under the Endangered Species Act may decrease.

“4. Habitat conditions (vegetation and watersheds and water desired conditions) provide the resiliency and redundancy necessary to maintain species diversity and metapopulations.”

Discussion: By removing trees and vegetation, habitat may be degraded and resilience and redundancy may decrease.

“5. Habitat connectivity and distribution provide for genetic exchange, daily and seasonal movements of animals, and predator-prey interactions across multiple spatial scales, consistent with existing landforms and topography. “

Discussion: By removing trees and vegetation, daily and seasonal movement of animals may decrease due to decreased cover and the presence of buildings and humans.

“7. To the extent possible, wildlife and fish are free from harassment and human disturbance at a scale that impacts vital functions (e.g., seasonal and daily movements, breeding, feeding, and rearing young) and could affect persistence of the species.”

Discussion: Constructing buildings and increasing the presence of humans may increase harassment and disturbance at a scale that impacts vital functions.

“9. Habitats in the forest allow for the maintenance and promotion of interspecific relationships (e.g., predator-prey relationships and keystone species relationships).”

Discussion: By removing trees and vegetation interspecific relationships may be disrupted due to the lack of habitat for those interactions to occur.

Action Requested: I request the USFS address and justify these conflicts.