

May 18, 2023

The purpose of a draft environmental assessment (DEA) is to decide if the community's questions and concerns about the project are addressed adequately. If so, then the Forrest Service can issue a "finding of no significant impact" (FONSI). If not, then an environmental impact statement (ESI) must be completed before any approval can be issued.

It is clear from the objections raised, the from the scant outreach during the the DEA process, from the questions raised, from the limitations placed on the public comment that a FONSI is not warranted and should not be issued.

Instead an environmental impact statement process must be ordered as required under NEPA.

Stewardship of the environment is the task before us as comments are considered about the proposed development of the Taos Ski Valley (TSV). Protecting and preserving the land, water and wildlife fall to community members to allow future generations we may never meet to enjoy the exquisite beauty that brought us here and those before us. We might need to sacrifice some things that might make TSV more user friendly or marketable in order to preserve and to protect. Protect not only the wildlife that lives with us, but also the wildlife's migration patterns and habitats. Development for development's sake should not be the guiding value of this process.

We have an awesome responsibility and we will not hear words of thanks from future generations, but they will understand that the people who came before them sought to protect this place not only for us, but for them too. With this responsibility in mind, the following comments are offered.

1. Public comment process. Only one public meeting that permitted comment. Second meeting consisted of booths presenting only information to support the DEA. While the Forrest Service may be able to check boxes for its NEPA review, an actual examination of the process reveals bias, resistance to public participation and actual mockery of those who opposed unbridled development given the failure to address fully the impact of climate change has already wrought. In addition, the Forrest Service had armed employees at both public meetings causing some participants to feel intimidated. No one has articulated an actual threat to warrant this presence.

Despite the barriers in place at the public meetings, it is clear the impacted communities have serious concerns that the Forrest Service appears to ignore. These concerns warrant the Forrest Service require an EIS. The EIS process requires the actual engagement of the community and steps to address concerns. TSV has made broad statements about lack of alternatives that require the development to proceed without any changes. A full EIS process requires an exploration of the justifications listed in the DEA, as well as the categorical statements that no alternatives exist. An EIS process should be ordered.

2. Water. The water emergencies, while well documented, in many ways still remain a mystery as to the origins of at least two catastrophic failures. The community smells the impact of the water system issues every time the sewage treatment plant expels odious gasses.

What can be pieced together from the December disaster is the Village of Taos Ski Valley thought the leaks were resolved as of March 31, 2023, according to the reports to the Village Council. Clearly, the Village did not properly assess the water problem. By the early afternoon of April 1st, there was no water at all in the entire Village, including stopping all ski operations. Even though it was suspicious that one or two condo could create a Village wide failure, this story continues to be asserted despite the fact that TSV provided \$1.5m to resolve the issue. And, there is still no information about why the water catastrophes continue and how prior money allocated to the problem was used. It should be noted the Office of State Engineer is conspicuously absent from this process and the impact of these continued failures on downstream water rights users/holders, including any sewage treatment effluent released.

Without this critical information, development proposed should not be analyzed further. As it stands now, the Village Council is a complete rubber stamp for all projects. After all, the Village Council approved the rebuild of the St. Bernard even though there is no water currently available.

It is noted the new restaurant proposed is permitted for a well. However, the DEA states water will be pumped to the site if drilling a well through hard rock fails. There is no mention in the DEA that the OSE has issued a permit to allow water to be pumped to the site. Further, there is no information in the DEA about the water source from which the TSV plans to pump sufficient water to its new restaurant, if dining a well through a bed of limestone fails.

There is no discussion in the DEA about the impact of the climate change with additional development on water resources, as well as habitats impacted, both plant and animal.

3. Habitat impact. Both the pine martin and white-tailed ptarmigan are endangered species. The SUP area contains habitats for these species that the DEA does not properly consider. New Mexico is in the process of implementing a recovery plan for the white-tailed ptarmigan. Its habitat in New Mexico is about tree line in the tundra area. Not only is there no discussion of impact of climate change, there is no information in the DEA on how the white-tailed ptarmigan's recovery plan will be implemented to protect this species' breeding grounds. In addition, the pine martin lives in thick forest with downed trees. The TSV has already removed a vast majority of the felled trees in the name of fire suppression. But, these cleared areas also provide additional ski runs.

The few huts built from downed trees appear to be an attempt to reestablish the habitat for the pine martin. Once again, though, the DEA does not offer an explanation on whether these minimal efforts are able to protect this endangered animal. There is no formal recovery plan TSV has developed to protect the ecosystems. Section 9 of the Endangered Species Act requires



developers to identify and designate critical habitats BEFORE approval. The DEA does not contain any of this required information. In addition, the DEA does not discuss plants listed as endangered that are also protected under federal law. What is being done to protect the white bark pine trees? What about the sweet-flowered rock jasmine and Payson's bladderpod? Has a botanist from the National Forest Service reviewed the impact on these endangered plants and trees. Has a recovery plan been developed. The DEA does not analyze any of these endangered plants, trees, birds and animals. There is no justification for the Forest Service to issue a categorical exclusion since there is no information on which to base such a decision due to the defective DEA. It should be noted when the Forest Service approved the TSV trail and mountain bike construction, wetlands were identified in 2018. Yet, the DEA states there are no wetland issues. All the more reason for an EIS.

4. Gondola. The gondola proposed is not mapped out. All we know is the intended route is from the base area at Chair 1 to the base area at Chair 4 along the return trail. According to the DEA there is no other feasible alternative. Instead of an analysis of alternatives, there is merely a declaration that other methods of transportation have been considered. The gondola is preferred, but not the only way. This is inadequate analysis to allow a FONSI for a construction project that will forever change the quality of the experience, especially in the summer/fall months when hikers use this portion of the return trail to access wilderness areas, should not be permitted. There is not analysis of using limiting car traffic and requiring the use of E-shuttle vans to transport people to the base of lift 4 for activities.

What noise levels can we expect from the gondola? There are no noise estimates. There is no analysis on how the construction will impact the wetlands identified in 2018 during the approval process for hiking and biking trails.

The beauty, quiet, solace are forever lost with the approval of the gondola. Construction in special use areas when there are significant environmental issues is why an EIS is required. The gondola is nothing more than amusement park ride to make up for the fact the TSV installed Chair 1 in a wind tunnel. Now, every person who uses the return trail will suffer from the intrusion and noise and never be alone again, while the endangered animals, birds, trees and plants will again suffer from yet another construction project in a wilderness area.

In conclusion, the need for an EIS is clear. There is simply no justification to rubber stamp yet another TSV project through a FONSI order. The TSV employees are speaking openly about how this process is a "done deal". How sad this beautiful and pristine area will fall to developers who ignore their responsibility as stewards.

Sincerely,

s/Diane Garrity

Diane Garrity