

May 19, 2023

James Duran
Forest Supervisor
Carson National Forest
208 Cruz Alta Road Taos, NM 87571

Re: Taos Ski Valley Improvements #61390

Dear Supervisor Duran,

We respectfully submit these comments as avid recreationalists as well as property owners in Valdez both near to and on the river. We oppose the Taos Ski Valley Gondola and Other Improvements Project and request the Forest Service produce a more thorough Environmental Impact Statement (EIS) for the following reasons.

NEPA requires Federal agencies to provide a detailed statement on proposals for major Federal actions significantly affecting the quality of the human environment. The purpose and function of NEPA is satisfied if Federal agencies have considered relevant environmental information, and the public has been informed regarding the decision-making process. 40 C.F.R. 1500.1. In this regard, the Forest Service has fallen short of its statutory and regulatory duties to provide an adequate environmental assessment (EA) of the Taos Ski Valley Gondola and Other Improvements Project.

To start, NEPA requires Federal agencies to determine the adequate level of NEPA review. 40 CFR 1501.3. The Forest Service also is bound by its own regulations to identify why an environmental assessment is more appropriate than an environmental impact statement (EIS). 36 CFR 220.7(b)(3).

Environmental Impacts of the Proposed Action and Alternative(s). The EA:

- (i) **Shall** briefly provide sufficient evidence and analysis, including the environmental impacts of the proposed action and alternative(s), to determine whether to prepare either an EIS or a FONSI ([40 CFR 1508.9](#));
- (ii) **Shall** disclose the environmental effects of any adaptive management adjustments;
- (iii) **Shall** describe the impacts of the proposed action and any alternatives in terms of context and intensity as described in the definition of “significantly” at [40 CFR 1508.27](#); (emphasis added).

Importantly, the draft EA has no summary of why an EIS is not needed for this action. At a minimum, the document needs to address the three sections above. The draft EA provides all the necessary regulatory terms to appear adequate but has no basis to support and meet the requirements.

Beyond the procedural deficiencies, the draft EA does not adequately evaluate the direct, indirect and cumulative effects of the project on public lands, wildlife, water resources, climate change and socio-economic implications on the Rio Hondo Communities beyond tourism. In particular, the base-to-base gondola, the water tank and booster station, Lift 7 Restaurant and the expansion of Whistle Stop Cafe have real and reasonably foreseeable impacts to the Rio Hondo Watershed that have not been evaluated to meet the minimum requirements of NEPA review. Our comments below focus on water resources but all the concerns raised above are equally important and should be addressed by the Forest Service.

With respect to the water supply issues related to the expansion, the draft EA provides scant detail on Taos Ski Valley Inc.'s (TSVI) actual water rights - how much they have and the conditions under which they are allowed to use the water- and what, if any, impacts will occur downstream. As mentioned by other commenters, the EA states that TSVI has 200 acre-feet of water available to support the proposed projects. TSVI's water rights only actually allow for 21.45 acre-feet of consumptive use, with only 0.11 acre-feet of daily consumptive use allowed between April 11th and October 25th of each year. Beyond these facts, there is no information to understand and evaluate how TSVI intends to address the real shortcomings between its proposal (in addition to TSVI's long-term Master Development Plan) and its water rights limits. The facts raise additional questions:

- Is TSVI allowed to store diverted water in a storage tank and for how long?
- How will TSVI supply water for the new Lift 7 Restaurant and Whistle Stop Cafe and do they have sufficient water rights for those restaurants?
- Does TSVI participate in community-based water management and if not, why?

The Forest Service needs to answer these questions along with addressing the cumulative impacts of present and future development for water use in the watershed.

With respect to water quality issues related to the expansion, the Forest Service has not addressed the cumulative effects of the project on the Rio Hondo River. The Soil and Watershed Specialist Report included in the record only addressed water in the Canyon. The Rio Hondo has visible erosion from previous work done at the site of the proposed Nordic Center. Development of the Nordic Center could make the erosion worse. The base-to-base gondola watershed impacts need to be explained as well. The Forest Service NEPA Handbook requires them to consider and analyze cumulative effects and stress on the watershed. The Draft EA does not address water quality in the Rio Hondo below the Canyon. Finally, the Draft EA makes a blanket conclusion that there will be no wastewater impacts to water quality in the watershed from these proposed projects. Given the restaurant expansions and the estimated number of

people expected on the mountain, without any actual analysis of the potential impacts in the draft EA this conclusion is very suspect.

In closing, we respectfully request that the Forest Service meet the intent of NEPA and provide a full EIS of the Taos Ski Valley Gondola and Other Improvements Project.

Sincerely,

Elyana Sutin McCeney
Property Owner
ejamsutin@gmail.com

Abigail McCeney
abigailmcceney@gmail.com