

May 21, 2022

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

Re: Taos Ski Valley Gondola and Other Improvements Project

Dear James Duran,

Thank you for the opportunity to comment on the Taos Ski Valley Gondola and Other Improvements Project.

I am a resident downstream in Valdez, and I have a vested interest in water, acequias and the historical value of acequias. As a parciante, I have been using the San Antonio acequia since 2004 for growing fruits and vegetables, which I eat everyday. My garden and orchard depends on irrigation for its growth and development. If the Rio Hondo is compromised, then our agricultural use would see significant harmful and detrimental negative effects.

Over the last several years, I have seen consequential impacts of climate change, drought, and a decrease in water availability. I enjoy the benefits of the Forest Service land. I appreciate the abundance of hiking trails in the Wheeler Peak Wilderness Area. I have been a pass-holding skier at Taos Ski Valley Inc., since the 1980's. I have fond memories of the homey, intimate feel of Taos Ski Valley, Inc., from years past. I have participated in many local ski programs, which allowed affordable ski lesson options, including ski school for myself and my children.

Beginning in 2014, Taos Ski Valley Inc., has pursued non-stop construction and expansion, resulting in significant harmful impacts. One of the most egregious environmental impacts resulted in redirecting the Rio Hondo during the construction of the Blake Hotel. Taos Ski Valley, Inc. is a B corporation that prides itself as a business that protects and enhances the natural environment. As quoted in the B Corp listing, "Taos Ski Valley, Inc. is proud of its ongoing stewardship of its stunning natural environment for all to enjoy for now and for future generations." Please stand behind this mission, and let's refrain from the detrimental effects of expanded planned development that impacts our water, wildlife and natural environment.

We have seen several catastrophic environmental impacts occurring in and around Taos County. During the severe wind event in December 2021, extreme wind caused acres of trees to be uprooted and blown down throughout the Taos canyon in the Kachina basin. This has left the area exposed to risk related to erosion and avalanche dangers. These are significant and cumulative negative environmental effects, which were not addressed in the EA.

#### Cumulative Effects

The Taos Ski Valley Inc. is one component of a larger community, which includes protected wilderness, forest service, local and downstream residents, businesses, tribal and local government. We all benefit from nature in this beautiful high alpine mountainous environment. We

have seen recent significant adverse environmental impacts around water, waste management and aging infrastructure.

Why are we not addressing the needs of the community in a strategic, long term sustained approach with public and private land development? How can we make long term goals related to development and expansion without regard to key infrastructure deficits? We have experienced system failures due to aging infrastructure. In December 2022, we witnessed a major water and sewage issue in the Village of Taos Ski Valley, being forced to issue a boil water advisory on January 4, 2023.. A water study determined that the village's water system has an average water loss rate between 70 to 80 percent with the highest amount unaccounted for occurring in peak tourist visits in winter.

During the Christmas and New Year's holiday week, this water issue left some upper Village Taos Ski Valley residents without water for days or even weeks, but did not force the resort to shut down. Like many small domestic water systems in rural New Mexico, the Taos Ski Valley is facing the consequences of years of deferred maintenance and a historic lack of capacity and funding with which to replace its aging infrastructure.

Another water issue occurred on April 1, 2023, when the water system had several leaks causing the TSV Inc, to close for 3 days. As we identify these water issues, the village of Taos Ski Valley reissued a conditional use permit for the Hotel St. Bernard's with 'no guarantee' of water. It looks like the Taos Ski Valley, Inc., does not take a community approach to water, and does not model the vow of being environmentally and socially responsible as a B-Corp. There are long term significant impacts resulting from over-development in a small mountainous environment. Taos Ski Valley, Inc., labels itself as a B-Corp, which means they should have an understanding that their role is protecting the planet and conserving natural resources, and being deeply connected to the well-being of our communities. The Taos Ski Valley, Inc., has an opportunity to be a leader in addressing water.

I am writing to strongly urge you to implement a Full Environmental Impact Statement (EIS). An EIS is a detailed and thorough analysis used for actions that are expected to result in significant negative impacts on the Rio Hondo water quantity and quality. This Environmental Impact Statement needs to address the many negative ecological and environmental justice impacts, including cultural and socioeconomic impacts.

Given the scope of the Taos Ski Valley's Plans, I have the concerns about the reasonably foreseeable, harmful and significant negative impacts this Project will have on my acequia, community, the Rio Hondo Watershed and Taos valley, which must be addressed in an environmental impact statement rather than through a brief and insufficient environmental assessment. The Project's direct, indirect and cumulative adverse effects will disproportionately impact historically marginalized communities including Pueblos, acequias and land grants, therefore triggering numerous environmental justice requirements.

Forest Service procedures for implementing the National Environmental Policy Act (NEPA) are now included in the Code of Federal Regulations (CFRs). Placing Forest Service NEPA procedures in the Code of Federal Regulations is consistent with other federal agencies. (36 CFR, Part 220.) The Forest Service NEPA procedures emphasize open and transparent decision making. The NEPA

regulations ensure the public has a voice in Forest Service decisions about its on-the-ground activities and that those decisions are well documented and fully disclosed to the public.

The regulations require public scoping for all NEPA proposals and encourage public participation throughout the project planning. They allow the responsible official to modify a proposed action or to add alternatives as the analysis progresses and requires such modifications to be made in an open and transparent process obvious to all interested parties. They allow “adaptive management” proposals and alternatives so that Forest Service decisions are more responsive to the uncertainties of natural resource management.

Given the above NEPA procedures, the Forest Service did not meet its objective. The public meeting on March 23rd, at Taos Ski Valley was impacted by snowy and icy roads, which prevented community members from attending. During the May 9th public meeting, the public had to beg to have an open discussion, and were not provided an opportunity to get accurate answers from qualified personnel.

How can we formulate a response if we are not given all the facts? There was never an agenda provided to the public prior to any of the public meetings.

The NEPA procedures support and allow alternatives to proposals, so that the Forest Service decisions are more responsive to the unpredictability of natural resource management. This objective was not met.

Action requested: Please redo this entire process from the beginning to meet these NEPA procedures.

### *Wildlife*

The Endangered Species Act, (ESA), was enacted to halt the rapid loss of plant and animal life. We have a responsibility to document how our environment impacts endangered and threatened species. The ESA states, “Healthy ecosystems depend on plant and animal species as their foundations. When a species becomes endangered, it is a sign that the ecosystem is falling apart. Each species that is lost triggers the loss of other species within its ecosystem.

Humans depend on healthy ecosystems to purify our environment. Without healthy forests, grasslands, rivers, oceans and other ecosystems, we will not have clean air, water, or land. If we allow our environment to become contaminated, we risk our own health.” Our goal is to maintain our forests so that the future generations will enjoy and respect them as we do. Carson National Forest has many species of big game: including mule deer, elk, antelope, black bear, mountain lion, and bighorn sheep. There are also many species of smaller animals and songbirds. Forest personnel work closely with the State Game and Fish Department to provide the best wildlife habitat possible.

Traditional Ecological Knowledge needs to be analyzed in an Environmental Impact Statement, since migratory patterns of fish and wildlife and wildlife movement corridors will be significantly impacted by this increased development.

TSV EA Wildlife Report includes a table *Federal Threatened and Endangered Species Considered*, on page 21, stating potential effects of the proposed action on threatened and endangered species. Federal listed species (Table 3) from the proposed project area were obtained from the U.S. Fish and Wildlife Service Information, Planning, and Conservation System (IPAC; USFWS 2022).

They state, “The project areas do not contain proposed or designated critical habitat for any federal listed species.’ This inaccurate statement does not align with the New Mexico Department of Game and Fish. The New Mexico Department of Game and Fish, published a list of *Threatened and Endangered Species*, 2022 BIENNIAL REVIEW, October, 14, 2022 which highlights several threatened and endangered species not included in the TSV EA Wildlife Report.

The Pacific marten, commonly known as pine marten, was listed as threatened by the New Mexico State Game Commission in 1975. Pacific martens in New Mexico are vulnerable to habitat degradation or fragmentation through timber harvesting in mature/old-growth forests, removal of downed timber as part of fuels reduction projects or as firewood, and catastrophic wildfire within the species’ range. Catastrophic wildfire likely poses the greatest threat under present conditions in the state. More studies are needed to better assess habitat use, population status, and population isolation in New Mexico. An assessment of the impact of the 2022 Calf Canyon/Hermit Peak wildfire on high elevation habitat for this species in the Sangre de Cristo Mountains should be undertaken.

The white-tailed Ptarmigan is state-listed as an endangered species and the Department of Game and Fish completed a recovery plan in 2017 (Bulger 2017). By the mid-1900s, much of its habitat had become degraded from sheep grazing, and it was thought to be restricted to only a few peaks in the northernmost portions of its former range in New Mexico (Ligon 1961, Braun and Williams 2015) The New Mexico Department of Game and Fish have documented the persistent presence of small populations of White-tailed Ptarmigan in Pecos Wilderness, and Wheeler Peak Wilderness. There are localized threats to persistence of the state’s remnant ptarmigan populations which include heavy recreational use of alpine meadows, unleashed dogs accompanying hikers, and ski area development (Hoffman 2006, Wolfe et al. 2011, Martin et al. 2020).

The Boreal Owl was listed as threatened in New Mexico in 1990. Intensive surveys in the state found that the species occurred in very small numbers at 10 specific sites in eight general areas in the Carson and Santa Fe National Forests (Stahlecker and Duncan). New Mexico’s small and highly fragmented Boreal Owl populations are vulnerable and would be negatively impacted by losses of their specialized and limited subalpine habitats. Timber harvest in such habitats could eliminate nesting cavities, reduce prey populations, and remove forest structure necessary for nesting, foraging, and roosting;

The slowness of forest succession in high elevation stands implies disturbed habitats would remain unsuitable for one to two centuries (Hayward and Hayward 1993, Hayward and Verner 1994, Hayward 1997). Additionally, subalpine habitat is threatened by climate change, bark beetle infestation.

Action Requested: Choose the Alternative B- “No Action” documented in the Wildlife Report.

Action requested: Complete an Environmental Impact Statement to evaluate the negative effects on threatened and endangered species in the project area.

The TSV Wildlife Report documents on page 22, New Mexico meadow jumping mouse (*Zapus hudsonius luteus*). In the comments regarding this endangered species while montane riparian habitat is present in select portions of the project area, this species has not been documented on the Carson National Forest (Frey 2012).

Action requested: Please take a No Action approach for all components to protect all threatened and endangered species.

Action requested: Please complete an Environmental impact Statement regarding the threatened and endangered species and use the most current data to support information.

The TSV EA Wildlife Report page 40 references Appendix B. USFWS Species List/Consultation Letter. There is nothing on that page.

Action Requested: Please provide information omitted from the TSV EA Wildlife Report.

The TSV EA Botany BA report lists the endangered and threatened species focused on mammals and birds. The report does not include any plant species. The New Mexico Energy, Minerals, Natural Resources completed a State Endangered Plant List, which includes *Cymopterus spellenbergii* (Taos spring parsley).

Action Requested: Please take a No Action approach for all components to protect all threatened and endangered plant species.

#### Comments on Components

Coordination with rural historic communities- The proposed projects will directly affect the waters of the Rio Hondo, without addressing provisions for ensuring the water is of high quality and is available in sustainable amounts. It is reasonably foreseeable that lack of consideration of the Rio Hondo communities needs may result in water being unavailable and/or unacceptable for use.

Action requested: I ask that the Carson National Forest analyze each alternative outlined in the EIS to understand direct, indirect and cumulative effects of the projects on rural historic communities along the Rio Hondo. The analysis should include the project's effect on quality and quantity of the water in the Rio Hondo as well as the impact on economy, health, services, and culture of the Rio Hondo rural historic communities.

Base-to-Base Gondola- A planned high speed gondola will cause unnecessary destruction and disturbance to the stream and corridor along the Lake Fork of the Rio Hondo. As noted in the scoping, "This lift would improve general connectivity between the two base areas during the summer and winter seasons and would also improve skier circulation to terrain served by Lifts 4 and 7. This aerial connection is expected to alleviate traffic and road congestion that occurs, while also reducing the amount of maintenance needed on this roadway." This gondola construction will

harm the forest, the river, riparian habitats, wildlife. These negative impacts of the base-to-base gondola plan does not sufficiently address the increased building imprint, which will have a main mountain base area, a Kachina base area, a maintenance building and a walking bridge. All of these add-ons will have direct, indirect and cumulative impacts with respect to the water, forest clearing, wildlife, and native riparian environments. The gondola will change the natural beauty of mountains. As documented in the EA planned travel on the gondola will occur during daylight and evening hours.

The gondola will have negative cumulative effects on birds. Birds that migrate or hunt at night navigate by moonlight and starlight. Artificial light can cause them to wander off course. Migratory birds depend on cues from properly timed seasonal schedules. Artificial lights can cause them to migrate too early or too late and miss ideal climate conditions for nesting, foraging and other behaviors. Many insects are drawn to light, but artificial lights can create a fatal attraction. Declining insect populations negatively impact all species that rely on insects for food or pollination. Some predators exploit this attraction to their advantage, affecting food webs in unanticipated ways.

Action Requested: I ask that the Carson National Forest cancel the base-to-base gondola project to protect water in the Rio Hondo, decrease erosion in the river due to construction, allow wildlife to roam freely, and preserve a riparian area.

Alternative Option: The Village of Taos Ski Valley can pave the Twinning Road , and implement a shuttle to provide transportation to the back side. The Taos Ski Valley, Inc. B-Corp can use electric shuttles to decrease their impact on the environment

Water Tank and Booster Station- The scoping notice proposes a 5,000,000 gallon water tank near lift #2. After reading more details, the notice states " these projects will not increase the current water uptake from the Rio Hondo". I am puzzled by this statement. Please provide science-based evidence that the Rio Hondo water uptake will not be increased by this water tank and booster station. There will be direct, indirect and cumulative impacts related to water usage.

Limited information in the scoping document does not address all questions about the water tank and booster station. What are the procedures used for fire mitigation, and how will it reach the residential areas of the Ski Valley? Is the booster station going to be refilled with more water from the Rio Hondo? How often will this occur? How will this be monitored?

Action Requested: I ask that the Carson National Forest study the sources of water to be stored in the tank. I ask that the Carson National Forest study all the ways the water will be used to understand the direct, indirect and cumulative effects of the proposed development. During this study opportunity, the Carson National Forest should consider how the proposal might create water rights conflicts with other communities, including tribal and rural historical communities.

Nordic/snow-shoe trail system

The proposed Nordic/Snow Shoe trail system on forested mountainside above the Rio Hondo has already been cleared of trees. This forest thinning and grading has already caused erosion and disturbed wildlife. See Photo below:





Action Requested: I ask that the Carson National Forest relocate the Nordic /Snow shoe trails to an area without negative impacts to the Rio Hondo.

## Restaurants

The restaurant facility as described in the scoping letter seems quite incompatible with a national forest setting, particularly on a mountain top where sewer, water and other utilities are made more complicated by distance from the base. What seems appropriate to me for a mountain restaurant is to remodel existing facilities so that it meets the demand. Forest Service Manual 2340.3 states, “the forest service should deny proposals by the private sector to construct or provide outdoor recreation facilities and services on National Forest System lands if these facilities and services are reasonably available or could be provided elsewhere in the general vicinity.”

Action Requested: I ask the Carson National Forest to deny additional restaurants in a forest

setting, where services are already offered and reasonably available.

Thank you for considering my comments. This NEPA scoping process is an opportunity for CNF to equitably engage with traditional, land-based communities that have been historically marginalized by CNF project permits and associated water and land management decisions. Inclusion of environmental justice stakeholder concerns will ensure compliance with NEPA and other applicable laws, and will result in a meaningful, equitable analysis of the Proposed Action's impacts.

Respectfully,

Valery Henderson