



To: James Duran, Forest Supervisor  
c/o Paul Schilke, Winter Sports Coordinator  
Carson National Forest  
P.O. Box 110  
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May 22, 2023

**RE: Trout Unlimited Comments to USFS for TSV Gondola and Other Improvements Draft Environmental Assessment**

Supervisor Duran,

Founded in Michigan in 1959, Trout Unlimited (TU) today is a national non-profit organization with 300,000 members and supporters dedicated to conserving, protecting and restoring North America's coldwater fisheries and their watersheds. Our staff and volunteers work from coast to coast to protect, reconnect, restore and sustain trout and salmon habitat on behalf of today's anglers and coming generations who value the connection between healthy, intact habitat and angling opportunity. While we are focused on trout, TU is a watershed-based conservation organization, and our comments reflect that mission.

On behalf of our organization, I would like to thank the USFS for this opportunity to submit public comments on plans for the Environmental Assessment (EA) of new development at Taos Ski Valley (TSV). Our comments generally focus on the impacts of the TSV Special Use Permit's (SUP) new development on the Rio Hondo and the Lake Fork riparian ecosystems, especially as these are important aquatic habitats for native and wild trout, as outlined in our priorities below.

1. **The persistence and survival of the Rio Hondo and Lake Fork wild and native trout populations, particularly its native Rio Grande cutthroat trout, which currently exists in less than 10% of its native range in Northern NM and is found throughout the watershed's headwaters as an indicator species for cold, clean water.** TU has a history of partnering with the Carson National Forest, New Mexico Dept of Game and Fish, US Fish and Wildlife and Taos Ski Valley to help maintain and protect the wild and native trout population in the Upper Rio Hondo watershed. There are plans underway to establish a "recreational population" of Rio Grande cutthroat trout in the Upper Rio Hondo, as TU is concerned with survival of this state-designated species of conservation concern.
2. **The maintenance and monitoring of the highest possible water quality at the Outstanding National Resource Waters (ONRW) of the Lake Fork and Rio Hondo, as**

**this is the highest level of protection against degradation that can be afforded for a waterbody under the State of New Mexico's Water Quality Standards (20.6.4 NMAC).** Maintaining water quality and quantity to benefit cold water fisheries and trout populations is our highest priority, as TU is concerned that without detailing more specifically the potential impacts to the aquatic ecosystem in the EA, there is insufficient analysis for the protection of ONRW water quality and aquatic habitat. Per the USFS-NMED interagency Memorandum of Agreement, the USFS is required to work jointly with the Surface Water Quality Bureau to develop shared protocols for implementing ONRW protections, including strategies to prevent future degradation in ONRWs such as increased water quality monitoring frequency to at least once annually.

3. **New land uses or activities will be conducted in accordance with local, state, and federal laws, especially for those ground-disturbing activities that could cause point and/or non-point source pollution to the watershed and may negatively impact water quality and quantity important to aquatic habitat.** TU is concerned that certain ground-disturbing activities during construction as well as new and existing trail and road maintenance could negatively impact water quality and require compliance with Clean Water Act (Section 404) and the New Mexico Water Quality Control Commission ONRW regulations (NMAC 20.6.4.8(A)(3) and (4)) for the Upper Rio Hondo and Lake Fork Creek. The proposed bridge installation and the new water delivery and snowmaking system should be installed and operated with the native and wild trout populations in mind: Where, when and how these projects are implemented may have impacts on important aquatic habitat for cold water fisheries in the Rio Hondo and Lake Fork watersheds.

## **I. Wild and Native Trout**

### *Section 3.8: Wildlife and Fish*

#### *Soil and Water Specialist Report: Affected Environment*

The Rio Hondo watershed is historically home to Rio Grande cutthroat trout (RGCT). Because of a variety of factors, these native trout have mostly been pushed to marginal habitat in four of the tributaries of the basin, and furthermore, are reduced to less than 10% of their native range in Northern NM. The upper Rio Hondo and the Lake Fork both are prime candidates for robust RGCT populations as they are the most climate change resilient subbasins in the Rio Hondo watershed and are critical headwaters for the overall health of the remainder of the river. TU has been working recently with partners at the Carson National Forest, New Mexico Dept of Game and Fish, US Fish and Wildlife and Taos Ski Valley to help maintain and protect the native RGCT population in the upper Rio Hondo Watershed. There are plans underway to establish a "recreational population" of RGCT in the Upper Rio Hondo, including throughout the TSV.

Neither the EA nor the Soil and Water Specialist Report fully evaluate impacts to the aquatic ecosystem, as there are no aquatic federally listed species or species of conservation concern for the Lake Fork and upper Rio Hondo watersheds. Regardless, the EA should evaluate the impacts on the persistence and

survival of the Rio Hondo and Lake Fork cold water fisheries, particularly for wild and native trout. TU is concerned that without detailing more specifically the potential impacts to the aquatic ecosystem in the EA, there is insufficient analysis for the protection of such an ecological, historical, cultural, and recreational significant species as the RGCT. RGCT are an indicator species for outstanding water quality, only thriving in cold, clean, water.

- TU asks that the EA consider how the proposed development could impact wild and native trout populations at the upper Rio Hondo, Lake Fork, and their tributaries, as well impact as many other connected downstream aquatic habitats.
- TU asks that the Forest Service ensure that current RGCT populations are fully considered in the EA so that aquatic habitat conditions, including water quality and quantity, are maintained or enhanced to accommodate future RGCT re-introduction efforts during the review of the proposed development at Taos Ski Valley.
- TU asks that the Forest Service coordinate with the NM Game and Fish Department to consult on the TSV SUP's existing and potential impacts to all terrestrial and aquatic species habitat important to recreational hunting and fishing, and most importantly, the greater ecosystem of the Upper Rio Grande watershed and Sangre de Cristo Mountains.

## **II. Outstanding National Resource Waters**

*Soil Table 2-1. Project Design Criteria.*

*Section 3.4.2: Direct and Indirect Environmental Consequences*

*Section 3.7.2: Vegetation: Direct and Indirect Environmental Consequences*

*Section 3.9.1 – Watershed, Wetlands, and Soil: Affected Environment- Watershed*

*Section 3.9 – Watershed, Wetlands, and Soil: Direct and Indirect Environmental Consequences*

TU was an original petitioner to the New Mexico Water Quality Control Commission in 2022 to designate sections of the Rio Hondo and Lake Fork as Outstanding National Resource Waters (ONRW). The Village of Taos Ski Valley passed a resolution in support of the nomination. These watersheds meet ONRW criteria for (1) exceptional recreational or ecological significance; (2) significant attribute of a state special trout water; and (3) existing water quality is equal to or better than the numeric criteria for protection of aquatic life and contact uses and the human health-organism only criteria, and the water has not been significantly modified by human activities in a manner that substantially detracts from its value as a natural resource. (NMAC 20.6.4.9(B)). These ONRW streams' protections contribute to 10.66 miles of high-quality habitat with cold, clean water important to native and wild trout, including the Rio Grande cutthroat trout.

TU and Amigos Bravos currently monitor the Upper Rio Hondo watershed for water quality through the River Sentinels program that operates in accordance with NM Environment Department's (NMED) water quality standards under a Quality Assurance Project Plan (QAPP). Per the USFS-NMED interagency Memorandum of Agreement, the USFS is required to work jointly with the Surface Water Quality Bureau to develop shared protocols for implementing ONRW protections, including strategies to prevent future degradation in ONRWs such as increased water quality monitoring frequency to at least once annually.

The EA and the Soil and Water Specialist Report do not fully evaluate potential impacts to the aquatic ecosystem, as the USFS EA only address short-term impacts to water quality during construction by minimizing and avoiding any new construction or ground-disturbing activities in wetland or riparian areas (*Section 3.4.2 and Section 3.9*).

- TU asks the USFS to produce supplemental hydrologic maps to be including in the EA with greater detail on wetland, riparian and aquatic resources within the AMZ surrounding Lake Fork Creek and the Rio Hondo, since no such mapping is currently included in the EA and thus, the EA's claims to minimize and avoid any impacts to water quality are not fully verified nor analyzed. TU is concerned that without detailing more specifically the potential impacts to the aquatic ecosystem in the EA that there is insufficient analysis for the protection of ONRW water quality and aquatic habitat.
- TU asks that the EA address how the USFS and NMED will fully uphold the antidegradation policy and its Tier 3 protections required by NMAC 20.6.4.8(A)(3-4) as construction activities could affect water quality of the Rio Hondo and Lake Fork Creek.
- TU asks that USFS and NMED coordinate water quality monitoring on the Rio Hondo and Lake Fork to be maintained during, before and after the proposed construction at the TSV SUP, in addition to the requirements of the requirements of Part 1.1 of the National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) and the Storm Water Pollution Prevention Plan (SWPPP) for the TSV SUP.
- TU asks that that the EA be updated to share how the USFS and NMED water quality monitoring will adhere to the standards provided in NMAC 20.6.4.10 to include a detailed water quality monitoring plan with site-specific criteria for the Rio Hondo and Lake Fork that will collect data for a variety of chemical, physical, and biological parameters, including those listed below:
  - Basic field measurements: dissolved oxygen, temperature, pH, Turbidity, salinity, and conductivity
  - Nutrients: ammonia, nitrate + nitrite, total kjeldahl nitrogen, total organic carbon, and total phosphorus
  - Ions: including hardness, total dissolved solids (TDS), and total suspended solids (TSS)
  - Total coliform and E. Coli
  - Dissolved and total metals: aluminum, zinc, lead, mercury and selenium
  - Habitat data: channel dimensions and substrate characterizations
  - Aquatic populations: benthic macroinvertebrate and fish ecology

### **III. Local, State, and Federal Environmental Compliance**

*Soil and Water Specialist Report: Regulatory Guidance*

*Clean Water Act Sections 404, 401, 402 and 303(d)/305(b)*

*Outstanding National Resource Waters (ONRW) Antidegradation Policy (NMAC 20.6.4.8)*

*Carson National Forest Land Management Plan (USDA Forest Service 2022)*

*National Best Management Practices for Water Quality Management on National Forest System Lands, Volume 1: National Core BMP Technical Guide (FS-990-A) (USDA Forest Service 2012)*

The EA and the Soil and Water Specialist Report inadequately address how certain proposed construction activities for the improved roads, improved and new buildings, new storage

system, booster station and new snowmaking system will impact water quality and quantity per short-term construction and long-term withdrawal factors within the Upper Rio Hondo watershed. The EA simply states that there will be no long-term impacts to water quality, citing how proper BMPS will be used to prevent short-term impacts to sensitive riparian and wetland areas, and that all construction will completely avoid all wetlands (*Soil and Watershed Report*, p. 13).

Section 3.9 of the EA describes that a new bridge “would be installed at the upper terminal area of the gondola would be placed within the aquatic management zone (AMZ) surrounding Lake Fork Creek, and may impact some riparian vegetation; however, the structure would not impact the Ordinary High-Water Mark and mitigation measures would be followed to discount any impacts to Lake Fork Creek... As a result, no Waters of the U.S. as defined by the U.S. Army Corps of Engineers would be impacted by the proposed action.” The EA and Soil and Watershed Report incorrectly determine that Lake Fork Creek is an intermittent stream (*Soil and Watershed Report*, p. 13) and incorrectly assess the impact of a new bridge construction project as not impacting the OHWM.

- TU asks that the USFS provide greater details and analysis within the EA that demonstrate how new land uses or activities will be conducted in accordance with local, state, and federal laws, especially for those ground disturbing activities that would cause point and non-point source pollution to the watershed, and may impact certain species of concern, such as the Rio Grande cutthroat trout, as well as critical populations of threatened or endangered species. For example, sediment loading is a type of non-point source pollution that can carry e. coli bacteria, road salts, and other heavy metals from vehicles that negatively impact water quality and aquatic habitat during the construction and maintenance of trails and roads. To date, Twining Road is known to create high run-off events especially during summer monsoons that can increase sediment loads in the local watershed.
- TU requests that the impacts concerning the maintenance of Twining Road and other planned and existing trails and roads be analyzed for alternatives that consider how to minimize seasonal impacts and uphold the highest water quality standards regulated for ONRW sections of the Upper Rio Hondo, Lake Fork Creek and their tributaries.
- TU is concerned that certain activities, such as a new bridge construction (Section 3.9) would need to comply with the Clean Water Act (Section 404) as well as meet the New Mexico Water Quality Control Commission ONRW regulations (NMAC 20.6.4.8(A)(3) and (4)).
- TU asks the USFS to correctly classify the Lake Fork Creek as perennial on page 13 of the Soil and Watershed Report as referenced by the US Geological Service and NMED, thus any new construction within the riparian area or in-stream habitat must comply with the Clean Water Act (Section 404) and the New Mexico Water Quality Control Commission’s ONRW regulations.
- TU is concerned that those activities which generate new water delivery, storage and wells would require permitting and public notice through the New Mexico Office of the State Engineer and the New Mexico Environment Department. The proposed new system, the new tank, booster station and snowmaking system should be installed and operated with the native Rio Grande cutthroat trout and wild trout populations in mind: Where, when, how, and at what rate water is withdrawn may have impacts on trout in the Rio Hondo and Lake Fork watersheds.

- TU asks the USFS to address the following potential impacts to trout and other aquatic species in the EA:
  - When: Water withdrawals should be timed appropriately to not harm the trout life cycle during key times. For example, large water withdrawals during the fall and early winter could impact the wild brown trout spawning success. Large withdrawals in the heat of the summer could decrease downstream flows enough to lead to increased water temperatures.
  - Where: A proper and carefully selected diversion location could better allow for trout movement throughout the stream.
  - How: A properly designed diversion can prevent trout from being trapped in the diversion.
  - Rate: Sudden or steady large withdrawals could present a sudden dewatering affect that places sudden stress on the trout population and reduces downstream trout habitat.

### Summary

TU has prioritized our concerns to comment on potential impacts of the TSV Special Use Permit's new development on the Rio Hondo and the Lake Fork riparian ecosystems, especially as these are important aquatic habitat for native and wild trout.

TU acknowledges that it is locally informed and driven processes that will have the best chance for long term success. For that reason, we encourage more local participation from Caron Forest Service staff in the process of reviewing the EA as a complete resource analysis (36 Code of Federal Regulations (CFR) § 220.6-7) and any future consideration of the National Environmental Policy Act to determine whether the proposed projects within the TSV SUP require an Environmental Impact Statement (§ 220.5).

Trout Unlimited is committed to the long-term viability of wild and native trout and the communities served by cold-water fisheries and their watersheds. We believe that mutually beneficial ways exist to accomplish our shared goals to conserve, protect and restore the Upper Rio Grande watershed, including the Lake Fork and Rio Hondo, as we continue to work with acequia associations, businesses, communities, Taos Pueblo, Taos Ski Valley, and the Carson National Forest. Thank you again for the opportunity to comment.

Sincerely,

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