

in a court setting and its imminence calls for denial of the proposed developments or a moratorium on all upstream developments. So-called deficiencies and inefficiencies should not be placed on a fabricated and rushed deadline at this point in time given that governmental entities are parties in the adjudication and can account for their own actions – the State of New Mexico included

The USFS cannot distance or absolve itself from water issues. Commenting on elements of the alleged improvements cannot take place until elements of the water rights adjudication have been addressed and resolved. Water, water rights and waterways are integral parts of the proposed developments as they are of the adjudication.

Aside from that, the proposed project is not in the Public's benefit – only a certain populace that does not include the downstream communities.

Again, we respectfully request that the USFS deny or declare a moratorium on all developments within its jurisdiction.

Sincerely,



(b) (5)

Raymond Trujillo, president
Community Association of Arroyo Hondo

NOTE: Along the issue of water and waterways, the uppermost portion of the Rio Hondo – from the resort base to the lake – has been renamed the Lake Fork, which is incorrect. The Rio's fount (or *fuenta* as described in 1823) is the lake at the foot of New Mexico's highest mountain. All other tributaries and springs, named or unnamed, contribute to the undeviating Rio Hondo (as it was called in 1793). As things go at the resort, the Village and with the USFS's steadfast cooperation, it is a pretext to eventually calling it the [B]lake Fork. Please put the Rio Hondo in its rightful place – not only on maps but to its natural, historical and cultural prominence.



COMMUNITY ASSOCIATION OF ARROYO HONDO

(b) (5)

Date: May 18, 2023

To: James Duran, Forest Supervisor
P.O. Box 110
Questa, NM 87556

Re: Comments on Taos Ski Valley Gondola and Other Improvements Project

Mr. Duran:

The Community Association of Arroyo Hondo respectfully requests the United States Forest Service (USFS) refrain from promoting any development that favors Taos Ski Valley Inc. and the Village of Taos Ski Valley until the issue of water and water rights can be adequately addressed outside the purview of the USFS.

The ABEYTA/ARELLANO water adjudication covering the Rio Pueblo de Taos and Rio Hondo respectively has been ongoing for some time and being heard in District Court. While elements of the ABEYTA case have been addressed and are currently being implemented, the *inter se* portion of the ARELLANO case has yet to be scheduled and proposes to quantify water and water rights on the Rio Hondo which includes all water users on the river.

The USFS's flyer on the proposed "improvements" states the issue of water rights is not addressed in the draft environmental analysis as it is not under the USFS's jurisdiction and adjudicated by the State of New Mexico. It is our understanding that the Office of the State Engineer administers water rights that are now in the process of being adjudicated. It is also our understanding that the Forest Service has no water rights on the Rio Hondo although it enables developments that rely on water including up-mountain restaurants, snow making and sewage treatment on a riparian portion of public land, not to mention cumulative non-point runoff into the Rio Hondo. Resort and municipal water rights transferred from the lower communities, ours included, will be scrutinized under ARELLANO where state and federal agencies are parties.

Project developers have stated that no new water rights will be needed although water use will be maximized and stretched to the limit given the opportunity. It is unclear what new water demands new developments will create in the overall resort area. We firmly believe the proposed projects are major developments not meant to accommodate current residents and visitors but to attract more – accommodation now exists, attraction is as unquenchable as the pursuit of profit and the use of water. The USFS claims exterior boundaries limit the resort's expansion while it actively promotes the saturation of those boundaries which in turn maximizes activities within municipal, resort and private boundaries.

No emergency or hardships have been substantiated by the developers only contrived capacity and circulation constraints. With ARELLANO looming, the USFS should not collaborate with developers in getting a jump on projects that would in any way prejudice its outcome. ARELLANO represents the only time all water rights can be