

December 15, 2024

Michiko Martin  
Southwestern Regional Forester  
333 Broadway Blvd SE  
Albuquerque, NM 7102

Submitted online at <https://cara.fs2c.usda.gov/Public/CommentInput?Project=61390>

Re: Objection to Taos Ski Valley Gondola and Other Improvements, Project #61390

Dear Regional Forester Martin,

Pursuant to 36 C.F.R. § 218, I am filing an Objection regarding the TSV Gondola and Other Improvements Project. The objection is submitted on behalf of myself, Robert McCormack. This Objection is filed pursuant to, and in compliance with, 36 C.F.R. Part 218, Subparts A and B. I have previously filed timely, specific and substantive written comments in accordance with 36 C.F.R. 218(a). As required by 36 C.F.R. § 218.8(d), Objector provides the following information:

1. The name and contact information for the Objector is listed below.

Robert McCormack  
10 La Ceja Rd. PO Box 310  
Valdez, NM 87580  
[troutrobert@gmail.com](mailto:troutrobert@gmail.com)

2. Robert McCormack is the Lead and only Objector for purposes of communication regarding this Objection.

4. The project that is subject to this Objection is "Taos Ski Valley, Gondola And Other Improvements Projects". The Responsible Official is James Duran, Forest Supervisor, Carson National Forest. The National Forest on which the Proposed Project will be Implemented is: Carson National Forest, Questa Ranger District. The objection period was announced October 31, 2024.

5. Objector submitted timely, specific, and substantive comments during the Public Comment Period on May 6, 2022; May 9, 2022; March 28, 2023; May 10, 2023; and May 22, 2023. All points and issues raised in this objection refer to issues raised in that comment letter or are related to new information.

6. In the following statements, Objector provides the specific reasons why the decision is being appealed and the specific changes or suggested remedies that are sought, along with the related evidence and rationale on why the decision violates applicable laws and regulations.

## **General Statement of Objection**

My name is Rob McCormack and I am a resident of Valdez, New Mexico in the Rio Hondo watershed. I am an avid outdoorsman who greatly values Carson National Forest and the Forest's adjacent lands for fly fishing, hiking, bird watching, foraging, hunting, rafting, and skiing (both backcountry and as a Taos Ski Valley season pass holder). I also greatly value the history, our local cultures, and traditional ways of life in Valdez and surrounding communities. I live along the Acequia de San Antonio and grow much of my family's food. I am involved as an Organizer with grassroots group Taos Mountain Alliance (though these comments are wholly mine as a private citizen). I have a B.S. in Natural Resources Management and Policy from Cornell University, a Masters of Environmental Law and Policy from Vermont Law School, and worked 10+ years in environmental management consulting much of my work was for government agencies. I am concerned that Taos Ski Valley proposed development and improvement projects will have negative ecological, social, public access, and environmental impacts and that the EA is wholly inadequate to analyze projects of this scope and scale, as well as that public engagement has been deficient.

As a whole and independently the projects proposed by Taos Ski Valley Inc. will negatively impact the Wheeler Peak Wilderness Area, the Columbine Hondo Wilderness Area, and the Carson National Forest and adjacent public lands. I am also concerned that the projects will negatively impact the Rio Hondo Watershed as a whole: and my family, friends, the local communities, plants, and animals who rely on it. I respectfully request the Carson National Forest reboot this process. Starting over, Carson National Forest and its contractors should study, provide data, and analyze the potential ecological, social, and environmental impacts in an Environmental Impact Statement (EIS) for the proposed projects, and include the associated developments that approval of these projects will create.

The Taos Ski Valley Gondola and Other Improvements Project Final Environmental Assessment (Final EA) has significant deficiencies. The process errors are many and it does not comply with the applicable statutes, regulations and Presidential Orders. The required public outreach effort was inadequate and frustrating, Agency transparency was poor, and key Agency decision makers did not engage with the public. Requested information has not been provided to the public in a timely manner. Furthermore the purpose and need of projects conflicts with previously approved Forest Service documents, statements made by Forest Service officials, and statements made by Taos Ski Valley Inc. leadership.

I believe the only path forward for this process is to revoke these projects' approval and/or develop an Environmental Impact Statement (EIS) that includes the components the current phase missed and rectifies the errors and omissions in the processes. Additionally, all outstanding FOIA requests should be provided before any decisions be made, Forest Service Leadership / decision makers should engage with the public, and a facilitator should be assigned to guide the process and improve transparency as well as public input.

## **FOIA Requests and Missing Information**

In May and June 2023, I, along with Winter Wildlands Alliance (WWA), Taos Mountain Alliance (TMA), and Daniel Weeks, filed two Freedom of Information (FOIA) requests with the Carson National Forest to obtain information necessary to better understanding these projects with the intent of informing our comments and objections. These FOIA requests sought information on how the Forest Service has worked with Taos Ski Valley, Inc. (TSVI), associated companies, and key landowners to develop the current project and the Master Development Plan, and how the ski area is currently managed. These requests were assigned tracking numbers 2023-FS-R3-03962-F and 2023-FS-R3-03978-F.

To-date we have only received a final response to 2023-FS-R3-03978-F and this response did not include most of the information we had requested. In this request we had asked for copies of the following documents: (1) The Area of Potential Effects (APE) for Taos Ski Valley, Inc. and/or for the "Taos Ski Valley Gondola and Other Improvements" project; (2) Taos Ski Valley, Inc.'s current Site Development Schedule; (3) Taos Ski Valley, Inc.'s Winter Operating Plans for 2019 through 2023; (4) Taos Ski Valley, Inc.'s Summer Operating Plans for 2019 through 2023; (5) Taos Ski Valley, Inc.'s current Water Conservation Plan; and (6) Taos Ski Valley, Inc.'s current Special Use Permit Appendix B, Improvements Authorized. In response, we received a number of redacted email communications and the operating plans but not the APE, Site Development Schedule, Water Conservation Plan, or the Appendix that were requested. NEPA contemplates prompt and meaningful access to agency records as part of all agencies' public participation duties. See 40 C.F.R. § 1506.6(f) agencies must make "environmental impact statements, the comments received, and any underlying documents available to the public pursuant to [FOIA], without regard to the exclusion for interagency memoranda where such memoranda transmit comments of the Federal agencies on the environmental impact of the proposed action.").

Additionally, my neighbor Kevin Bersell has outstanding FOIA requests unresolved from May 3rd 2022. The assigned tracking is 2022-FS-R3-03493-F. His request includes: 1. The most current approved Master Development Plan 2. Most current Site Development Schedule 3. Winter Operating Plans for 2021, 2020, and 2019 4. Winter Operating Plan for 2022 if available 5. Summer Operating Plans for 2022, 2021, and 2020 6. Most Current Water Conservation Plan 7. Most Current Appendix B Improvements, Authorized 8. Section H. of the SUP specifies that an appendix consisting of a "map showing the location of sites within the permit area needing special measures of protection of plants or animals listed as threatened or endangered under the Endangered Species Act. Mr. Bersell's FOIA request, which myself and others intended to review, is also critical information to understanding these projects.

Furthermore, There may be attempts by Forest Service employees to perhaps delegitimize our FOIA requests and/or intimidate us from pursuing the information requested. On November 25, 2024 Taos Mountain Alliance, a grassroots all volunteer group for which I am an Organizer, wrote Forest Supervisor James Duran requesting he extend the public objection period, provided examples of poor transparency in this NEPA Process, and highlighted the outstanding FOIA requests. Mr. Duran wrote in a December 4, 2024 response letter: "We are aware of the active FOIA requests and are working with the FOIA Point of Contact at the Southwestern Regional Office on this review. We received more records while responding to your request and

that has added time to the review process.” Mr. Duran appeared to brush off our concerns; Namely, Mr. Duran didn't address the fact that we are being asked to formulate comments to the decision without complete information. Mr. Duran simply acknowledged that there is a delay in providing information. Questa District Ranger Amy Simms in a follow-up email on December 12, 2024 stated: “Document associated with ski area operations as requested in your FOIA are not associated with the Final EA and Draft Decision Notice. Per the information our FOIA coordinator has provided we are still working on processing your requests.” I feel Ms. Simms’ assertion that the FOIA requests are not associated with this decision is categorically ridiculous. The FOIA requests are directly seeking information related to these projects and decisions. We are being asked to comment on projects without having all the information necessary to comprehend and understand them. These requests are directly related to the NEPA objectives, developing understanding of the project details, and providing transparency.

Echoing Winter Wildlands Alliance Objection language: Delaying prompt access to the requested materials violates the objectives of FOIA and NEPA. It is appropriate to address FOIA requests in resolving our objections, not as per se FOIA violations, but as part of a well-established Forest Service pattern and practice of unlawfully delaying FOIA access to NEPA commenters whose requests are directly designed to better understand the project for the purposes of informing how and whether to object to the draft decision. The impact on NEPA’s action-forcing and public participation purposes can be remedied by requiring FOIA disclosure, an opportunity to comment, and revised decisions after full compliance with FOIA. No decision on these projects should be made until all outstanding FOIA requests are full-filled and adequate time is provided to the public to review information and submit comment on.

### **Conflicting Purpose and Need Statements and Intent**

The Draft Decision Notice states the Purpose and Need for the Gondola Project is to:

- Improve winter out-of-base lift capacity and guest dispersal across the mountain,
- Increase non-vehicular transportation between the Frontside and Kachina Basin base areas”.

This purpose and need statement simply restates what TSVI has requested the Forest Service approve.

An October 31, 2024 social media post on Facebook indicated the Forest Service tentatively approved the gondola projects because: “It is important to allow for the modernization of Taos Ski Valley so it can stay competitive and continue supporting the local economy.”

In an October 31st 2024 Taos News article Mr. James Duran stated about the gondola: "It's not for general transportation because of potential impacts to Wheeler Peak Wilderness," Duran said, adding the gondola is intended "to improve traffic flow in that area".

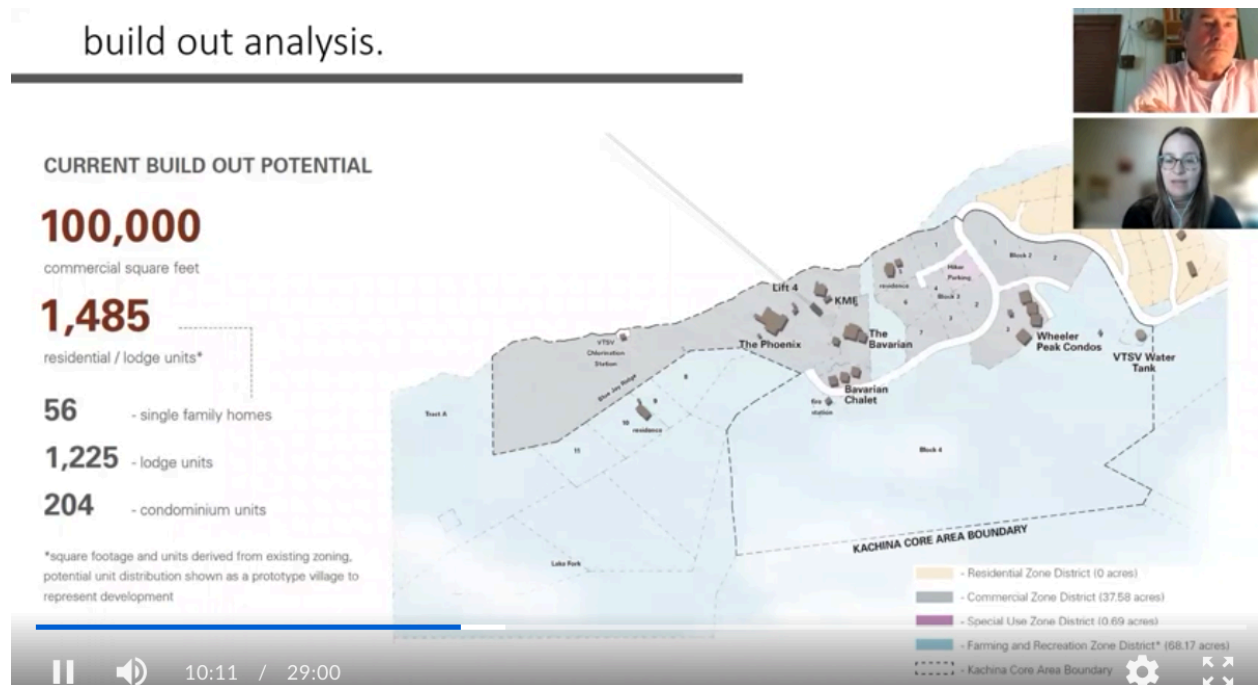
What is the actual purpose and need for the gondola? It has been a moving target with the Forest Service and with the TSVI. The 2021 Master Development Plan offers some insight stating the gondola “...would be used extensively in the evenings to connect the two base areas, for lodging and restaurants.” This is a very different purpose and need than that in the EA decision. It appears the gondola’s primary purpose is for real estate development of the Kachina

Basin, instead of skier movement. Because the purpose and need for the gondola project has been a moving target and/or as stated in the EA decision is not a representation of the actual projects goals: the approval of the gondola should be scrapped immediately. A full EIS which includes the actual purpose and need of the gondola and studies the cumulative impacts of developing a second base area at 10,000+ foot elevation, at the headwaters of the Rio Hondo, and edge of a wilderness should be studied.

It is abundantly clear that TSVI, owner Louis Bacon, and Louis Bacon associated companies have been planning for the development of a Kachina Basin Base Area by purchasing any available real estate. Below is a map of the Kachina Basin with real estate parcels highlighted in red that are owned by TSVI, Mr. Bacon, and/or Mr. Bacon's companies. Over 90% of the developable land in Kachina Basin is owned by Mr. Bacon and associated companies of his. It is evident that approving this gondola directly benefits one party over the public, environment, local socio-economic justice, and access to our public lands. There is no discussion or analysis in the EA of the proposed real estate development in Kachina Basin and its effects on environment, adjacent wilderness, wildlife, the Rio Hondo, available water, or downstream communities.



In an October 2, 2021 presentation for the Village of Taos Ski Valley: the Kachina Master Plan Open House Presentation it was highlighted at 10:10 in the presentation that there is “a great deal of development that could be possible in Kachina.” Below is a screenshot of the slide highlighting this “great deal” of development potential. A link to the presentation is here: <https://designworkshop.app.box.com/s/ilahna8d6nqsm0b6npg7iyg6swpt09o2> . Should the Kachina Basin be built out, even at half of the potential, it likely would be the largest real estate development plan ever in Taos County; and as such requires much greater scrutiny from our government including the Forest Service.



That this is a development giveaway to Mr. Bacon and his companies are further reinforced by the ‘THE LODGE & THE LODGE & RESORT AT TAOS SKI VALLEY’ plans submitted to the Village of Taos Ski Valley in 2019. See plat submittals here: [https://www.vtsv.org/wp-content/uploads/2019/10/5\\_compressed\\_TAOS-SKI-VALLEY\\_PRELIMINARY-PLAT-SUBMITTAL\\_191015-1.pdf](https://www.vtsv.org/wp-content/uploads/2019/10/5_compressed_TAOS-SKI-VALLEY_PRELIMINARY-PLAT-SUBMITTAL_191015-1.pdf) and here: [https://www.vtsv.org/wp-content/uploads/2019/10/4\\_compressed\\_TAOS-SKI-VALLEY\\_PRELIMINARY-PLAT-SUBMITTAL\\_191015-1.pdf](https://www.vtsv.org/wp-content/uploads/2019/10/4_compressed_TAOS-SKI-VALLEY_PRELIMINARY-PLAT-SUBMITTAL_191015-1.pdf) . The plans for this development will tremendously increase density and development in the Kachina Basin, and all on Mr. Bacon’s owned properties. The development will likely not be built without the gondola. Read: approving the gondola begets tremendous development in the upper Kachina Basin with all negative effects borne on the local environment, wilderness, Rio Hondo watershed, and downstream communities. Effects that have not been adequately presented or analyzed in the EA.

There are other gondolas in the US that connect base areas instead of climbing mountains. These gondolas, such as at Telluride and Palisades Tahoe, primary purpose is not to move

skiers but instead to create new retail, lodging, and residential opportunities and connect the associated properties. The CEO of Taos Ski Valley, David Norden, is an expert in developing new base areas. Formerly of the SE Group (who is the Contractor on these projects), Mr. Norden developed the Stowe Mountain Lodge development in Spruce Peak Village and Aspen Highlands Village. Both these controversial developments should illuminate the plans for Kachina Basin: they will be large, geared toward high net worth and non resident buyers, and take little care for the local environment or communities.

In a meeting with TMA on November 6th 2024 I asked Questa District Ranger Amy Simms if she thought the Gondola's purpose was for skier movement. In Ms. Simms' response she mentioned that the gondola would not be like a 'Telluride' gondola: a gondola that's purpose is to serve retail, lodging, and residential rather than moving skiers around the skiable terrain. With knowledge of the MDP, property ownership, and plans for large development it seems like a "Telluride" like gondola is the primary purpose - not skier movement. This was also reinforced in a phone conversation with Adam Ladell – CNF, Paul Schilke CNF, and Daniel Weeks – Taos Mountain Alliance on Monday May 15th 2023 where all parties acknowledged the proposed gondola will move more non-skiers to the Kachina Basin and/or make the immediate real estate in the Kachina Basin more desirable for development.

The EA's purpose of the Gondola is to solve a perceived problem of dispersing the skiing public uniformly over the mountain and to effect efficient transit of skiers from the base to the Kachina Basin. As currently proposed the construction of a gondola to the Kachina Basin doesn't solve the perceived purpose and need to move skiers. The most fatal flaw in the EA is that the actual intent of the projects is obscured and obfuscated. As such this process should be rebooted with TSVI and Carson National Forest describing the actual reasoning for the gondola and presenting the case for why non-skiers and real estate development require this project be completed on public land. Finally, any analysis of the gondola needs to include the potential impacts of the associated development. This associated development in size, scale, and location certainly requires an EIS.

Determining that because the development in Kachina Basin will occur on private land and thus is not subject to Forest Service oversight is pernicious; as the infrastructure installed on public land, the gondola, will facilitate the development on private land and will have dramatically detrimental impacts on public lands. I recommend the Forest Service reboot this process and evaluate all impacts, including Kachina Basin development, that these projects beget.

### **No Alternatives Considered**

I disagree with the Forest Service's rationale for rejecting additional alternatives, most of which boil down to any additional alternatives being outside of the Purpose and Need statement (which is detailed immediately above as significantly flawed). NO substantive alternatives are provided in this EA for the proposed actions. That there are no substantive alternatives provided suggests a lack of understanding of communities, uses, users, and environmental conditions.

I object to the lack of a gondola alternatives presented in the EA. Specifically the combinatorial

operation of Lifts 1 and 2 instead of a gondola should be evaluated. I disagree with the Forest Service's rationale for not having an alternative identified or studied related to adequately dispersing guests onto the ski area. This is a reflection on the significantly flawed Purpose and Need statement developed for this EA. A Purpose and Need Statement which simply regurgitates TSVI's request that the Forest Service approve a gondola. The Purpose and Need thus created a narrow path wherein the only possible route is the one defined by the project proponent. This sets a predetermined outcome, which delegitimizes the NEPA process and diminishes the public who took the time to engage with it.

Like the gondola, The EA offers no alternative(s) to replacement of lifts 2 and 8. NEPA dictates that a range of alternative means are looked at – none are here. Further the EA provides no concrete detail on the new lifts and associated infrastructures' locations: if the minor realignments or new footings are not clearly identified, it is difficult to understand whether the analysis accounts for complete realignment for understanding impacts or if it is assumed to be "minor". Further location details need be provided, and public input taken before replacement of the lifts occurs.

Overall, replacement of aging lifts within the existing operations is a good idea, I welcome this improvement to the resort. Yet, no alternative was given for the proposed gondola project yet this proposed improvement of Lift 2 (increasing the rate at which people reach the point where Lifts 7 and 4 are accessible provides one). With a gondola rate of 1800 PPH and an improved Lift 2 rate of 2400 PPH, taking into account a 7 minute ride up chair 1 and assuming the gondola and Lift 2 lengths are the same results in moved people from the base: 450 people at the Kachina basin in ~15min. 600 people at the top of Lift 2 in ~22min.

If more people are disbursed to the center of the resort in roughly the same amount of time, and able to ski because of an improved Lift 2; as compared to a lesser number arriving at the bottom chair 4 and still slogging- this seems like an alternative worth considering. Gondola riders would get to Kachina lift quicker, (but that lift serves only expert terrain and is rarely open). Instead, those that ride up chair 2 will have a longer day of skiing and be initially presented with a diversity of skiing opportunities at all skill levels. Improving Lift 2 is a clear alternative to building a gondola. This scenario was presented in my original comments and to date have not been considered in this process.

Finally, the 10th Circuit Court found that "courts will not allow an agency to define the objectives so narrowly as to preclude a reasonable consideration of alternatives." Citizens' Comm. to Save Our Canyons, 297 F.3d at 1030 (10th Cir. 2002) (citing Davis v. Mineta, 302 F.3d 1104 (10th Cir. 2002)). This EA fails to comply with case law regarding the development of alternatives.

The EA and comments have identified reasonable alternatives that were not considered. As such this process should be rebooted with the actual purpose and need defined and alternatives considered in an EIS. In rebooting, the Forest Service must use the scoping process to develop at least one additional alternative addressing the purpose and need that recognizes public rights



as an integral aspect of the major federal action, that is substantially different from the Proposed Action.

### **Loosing Access to Historical Williams Lake Winter Trail**

Non-vehicular transportation is a Village of Taos Ski Valley issue and not appropriate for the Purpose and Need in the EA. A gondola should not affect in any way the public's ability to access public lands. In particular, Winter access to Wheeler Peak and Williams Lake is threatened by this project. A new trail within the SUP has been constructed to move the historical winter trail off two of Mr. Bacon's owned properties. The historical trail is the only way to safely and suitably ski to Williams Lake backcountry zones. The EA states the purpose for the rerouted trail was to improve the summer opportunities offered at TSV. The proposed Lift 4 hiking trail would not serve winter recreationists, nor would it provide access to desired backcountry ski terrain in the Wheeler Peak Wilderness. The EA does not address concerns that winter/ski access to Williams Lake and Wheeler Peak by the historical trail could be lost and/or that giving TSVI control of access to the trailheads or promotion of hiking within the SUP as opposed to the existing hiking on the SUP (outside of winter operations) and within the wilderness and adjacent FS land (anytime) is inappropriate. The public should be free to continue accessing the portions of the SUP outside of winter operations, adjacent FS land, and the Wilderness without any corporate or private landowner control. Absent any discussion of these concerns in the EA, I have no reason to believe these projects will not significantly impact winter access to the Wheeler Peak Wilderness, Williams Lake Backcountry Ski Zones; as well as continued free access to the portions of the SUP outside of winter operations, adjacent FS land, and the Wilderness without any corporate or private landowner control.

Further compounding my concerns that public access could be significantly restricted or limited as a result of these projects are results from meetings over the past year and a half with TSVI, Carson National Forest, Taos Mountain Alliance, Taos Land Trust, the Village of Taos Ski Valley. Out of concern that the historical trail could be closed to the public in the future by TSVI and owner Mr. Bacon. Taos Mountain Alliance along with the Taos Land Trust offered an opportunity to protect public access by placing the properties on which the historical / winter trail crosses in access and/or conservation easement. The opportunity was rejected by Mr. John Kelly of TSVI, who stated in our July 3, 2024 meeting: "No-not at this time."

I recommend the Forest Service reboot this process and evaluate whether these projects will significantly impact winter access to the Wheeler Peak Wilderness, Williams Lake Backcountry Ski Zones; as well as continued free access to the portions of the SUP outside of winter operations, adjacent FS land, and the Wilderness without any corporate or private landowner control.

### **Impacts to Wilderness**

There will very likely be impacts to two adjacent wilderness areas from the proposed development. The EA only discusses usage patterns and viewshed. Usage patterns are a best guess in the EA. No survey or study of wilderness use has been conducted to date. The studies

alluded to in the EA have not been provided and as such there is no data on Wilderness use provided in the EA.

The EA contains poor consideration on how increased visitation to the resort from this project may impact the Wilderness. The proposed lift 4 trail will not end, as the Williams Lake trail does, in one of the most dramatic alpine basins in the Rocky Mountains: it is unlikely that most hikers will choose the new trail over the Williams Lake trail. The EA's assertion that the new trail will offset the impact of increased visitation to the Wilderness, facilitated by the gondola, is laughable, hypothetical, and very unlikely.

The EA asserts that the Proposed Actions are not expected to affect the Columbine-Hondo Wilderness because this Wilderness area is not immediately adjacent to the SUP area. Furthermore no mention is made of the immediately adjacent roadless areas too. This is wrong and deleterious. The Columbine-Hondo Wilderness boundary and roadless areas are less than a mile away from the SUP area boundary, the SUP is within the Columbine-Hondo viewshed and soundscape, and increased visitation to TSVI resulting from the Proposed Actions will almost certainly lead to more visitation in the Columbine-Hondo Wilderness as well. These impacts to the Columbine-Hondo Wilderness and adjacent roadless areas must be analyzed. That the Columbine Hondo Wilderness was not analyzed in the EA is irrational.

The Wheeler Peak Wilderness and Columbine-Hondo Wilderness also have documented limits of acceptable change codified in their 1964 and 2014 inceptions and expansions as well as the 1980 New Mexico Wilderness Act. An analysis of impacts to the wilderness areas must include specific impacts that are incongruent to the intent and documented limits as codified in law.

The Forest Service has been directed by Congress to "preserve the wilderness character" of the Wheeler and Columbine-Hondo Wilderness Areas; this is further established in the recent CNF forest plan. There should be more substantive work done by the Forest Service to establish how they are considering the proposed developments in light of their federal and public liability(s). The EA evaluation of and determination that these projects will "minimally adverse impacts to the wilderness qualities of opportunities for solitude or a primitive and unconfined type of recreation. and would have no effect on the other three wilderness characteristics" is unreasonable.

The analysis in the current EA is incomplete and incoherent. I recommend the Forest Service reboot this process and adequately evaluate whether these projects, and associated development from these projects, will significantly impact both Wilderness areas.

### **Lack of Participation and Transparency**

From the beginning the minimum appears to have been done to engage the public. These projects are the largest infrastructure projects in Carson National Forest in over a decade (if not of all time) and Forest Supervisor James Duran, the decision maker, did not attend any of the public meetings concerning these projects. Mr. Duran's lack of engagement with the public speaks volumes about transparency and interest appropriately addressing the public's comments. Further only two public meetings occurred, the second only after the public demanded more public meetings. There were over 600 comments, during scoping and draft EA, with positions that questioned the need, detail, or objected to these projects: Well over 90% of

total comments received. Most of these comments requested an EIS. However, the Forest Service does not seem to acknowledge the extensive public comment against these projects. In fact, contrary to the actual comments received, in a Taos News Article on October 30, 2024 the Questa District Ranger stated: "There was a lot of comments in support of the gondola." Statements like this, from decision makers at the Forest Service, are factually incorrect and destroy public confidence in this process.

Furthermore, the 2021 Master Development Plan (MDP) was not transparently shared in the draft EA or EA. Taos Mountain Alliance first mentioned to Paul Schilke, Carson National Forest Winter Sports Coordinator that the Draft EA in document link to the 2021 MDP linked instead to Taos Ski Valley's B-Corp page. A request from TMA to update this link went unanswered. Page 124 of the EA highlights where this was a problem in the past; and it continued to be. When the EA was released on October 31, 2024 TMA also brought up to Paul Schilke and Amy Simms at a meeting together on November 6th that the same link was still incorrect. Instead it linked to a presentation by Taos Ski Valley leadership describing all the great things the MDP would accomplish for TSVI. It was not until December 4, 2024 that the link was corrected in the EA to list the actual MDP document. The MDP is a critical document to understanding these projects and that this document could not be shared correctly with the public appeared to be strategic or other incompetence. That this link remained incorrect and instead provided positive public relations for TSVI hints to a potentially suspect process and that perhaps influence by TSVI has coopted this NEPA process.

I recommend the Forest Service reboot this process and do a far better job engaging the public, include decision makers engaging with the public, ensure any potential influence peddling is removed from the process, install a facilitator to reach common ground between all parties, as well as ensure that purpose and need for projects is consistent and reflects the actual purpose and need for these projects.

### **Precedence on Evaluating Projects**

These projects are likely the largest scale development plans ever initiated in Taos County. That an EIS is not being conducted on such significant projects, with such significant commentary against, and such significant effects to Forest Service and community assets is confounding. Much smaller and less significant projects evaluated by Carson National Forest have commanded EIS, like the Kachina Lift. Other projects with significant public comment have included the use of a facilitator to guide the process and reach middle ground, like the Talpa Foothills Trails.

Further, This EA's detail and length necessitates the review as an EIS. The EA is now 267 pages. An Environmental Assessment (EA) becomes the length of an Environmental Impact Statement (EIS) when the EA analysis indicates that a proposed project is likely to have significant environmental impacts, requiring a more detailed EIS to be prepared. Typically this means exceeding the standard page limit of an EA (75 pages) and reaching a length closer to the EIS page limit (150 pages) depending on the project complexity- this EA is longer than that

recommended EIS length. A 150-page limit now applies to EISs, and even complex EISs are now limited to 300. 40 CFR 1502.7.

I recommend the Forest Service scrap these projects' approval and restart the NEPA process with an EIS conducted for each project component. I recommend the Forest Service install a facilitator in order to address public concern and conserve Agency resources in properly evaluating these projects.

### **Other Recreation**

Appendix D of the EA asserts a FONSI is appropriate and that there will be no adverse effect to recreation. Page 136 of the EA asserts "This proposed project would occur within the ski resort's SUP boundary and surrounding private lands owned by the VTSV. Recreation activities such as hunting, fishing, hiking, foraging, and backcountry travel would not be suppressed due to the implementation of this proposed project." This statement not only doesn't make sense (private lands owned by VTSV?) but categorically dismisses comments that establish impacts on other recreation activities. My comments, along with many other comments discuss the ways in which we foresee both short- and long-term adverse effects to recreation. This project may be primarily, or wholly, beneficial to recreation within the ski area boundary, it will have an adverse effect on dispersed recreation adjacent to the ski area. My comments on the projects from May 22, 2023 remain unaddressed in the EA: there is no significant evaluation of recreational users. These activities within TSVI and adjacent areas will be affected by the proposed development. The current EA does not adequately evaluate the impact on other recreational activities and users. Personal to me: there is no adequate analysis of the project's likely significant impacts on backcountry skiing and fishing in the Rio Hondo and Rio Grande. The national forests are lands of many uses –and many users; unfortunately the EA still does not adequately measure the impacts of the proposed development to other users.

I recommend the Forest Service scrap these projects' approval and restart the NEPA process with an EIS conducted for each project component; and that future analysis include impacts to hunting, fishing, hiking, foraging, and backcountry skiing.

### **Wildlife**

Pine marten nor the ptarmigan are studied in the EA. Rio Grande Cutthroat are identified in the CNF Forest Plan as a species of concern but no analysis is provided in the EA. All of these species are present in the TSV areas and some are listed as Threatened species in New Mexico. The Wildlife Report or EA also does not include recent species of significance including the extremely rare Sangre de Cristo Pea Clam (*Pisidium sanguinichristi*) and Monarch Butterfly.

The elk, mule deer, and big horn sheep at TSV rely on the unique habitat and relative lack of disturbance and are enjoyed by wildlife viewers and pursued by hunters. In addition to the high alpine bighorns, marmots, pika, ptarmigan, and martens are exclusively or uniquely (to the Forest and/or New Mexico) present at TSV and in the immediate areas. It has been well documented throughout the west that ski area development can have negative impacts on fish

and wildlife populations. The EA makes no mention of the fish and wildlife species (game and otherwise) other than listed species.

I recommend the Forest Service scrap these projects' approval and restart the NEPA process with an EIS including species of concern: Rio Grande cutthroat trout, the pine marten, ptarmigan, pea clam, and monarch butterfly. As well as analysis on impacts to game species and other high value species like marmots and pika.

### **Water Use**

No where in the EA is the actual annual flow of the Rio Hondo quantified. Further the work referenced in the EA by Glorieta Geoscience was paid for by Taos Ski Valley to legitimize their water rights. I believe referencing Glorieta Geoscience's work and not providing alternative study is manipulative and does not reflect actual conditions on the Rio Hondo. Further this study was not provided in the EA or associated documents and can not be located online.

The associated real estate development with these projects is again not analyzed to the detriment of understanding impacts to Rio Hondo and downstream communities. Continuing to obfuscate responsibility for accurately accounting Rio Hondo conditions and potential cumulative impacts is a breach of public trust. Furthermore, The EAs assertion that the vast majority of TSVI's water use is not consumptive is incorrect. Water evaporates, drifts (especially in windy Taos), sublimates, and leaks. The water loss from TSVI's operations were not studied and should not be brushed off in an EA.

I recommend the Forest Service scrap these projects' approval and restart the NEPA process with an EIS conducted for each project component. Analysis should objectively represent actual conditions on the Rio Hondo, TSVI's consumptive use, and contain appropriate study on cumulative impacts to water use and the Rio Hondo.

### **Water Tank and Firefighting**

As highlighted in my previous comments and directly to Forest Service staff at the public comment meetings, The Forest Service provides no analysis of how the water tank contributes to a firefighting effort. Yet a significant part of the decision is based on this unsubstantiated firefighting capacity.

I suggested the Forest Service scrap these projects' approval and restart the NEPA process. Details on how the water tank contributes to a firefighting effort and why it supports the purpose and need of the projects is required.

### **Water Withdrawals**

In my May 6, 2022 comment I asked that the Forest Service: "conduct a complete analysis of the impact of water withdrawals: how, when, where and at what rate water is diverted, on the health of the Lake Fork and Rio Hondo downstream. Including a complete analysis of impacts of withdrawals on trout life history as well as irrigation success on acequias downstream." This comment was not addressed in the EA.

I recommend the Forest Service scrap these projects' approval and restart the NEPA process. Analysis and PDCs should include prescriptive requirements for how, when, and at what rate water is diverted for TSVI so as to have minimal negative impacts on the Rio Hondo and Rio Grande's health, fisheries, and/or irrigation success downstream.

### **Consideration of PDCs**

A PDC was included in the EA that gives TSVI the flexibility to limit use of the base-to-base gondola to ticketed passengers who seek to access recreation uses within the SUP and within the Kachina base area. This PDC being supremely flexible will most likely not be used appropriately or to achieve desired outcomes. This PDC is not concrete in anyway; it can be changed at anytime. TSVI, and the Village on their behalf, has already begun lobbying to have no restrictions on gondola use (see Taos News November 20, 2024 "Village of Taos Ski Valley objects to gondola passenger restriction.") I recommend that a new PDC be established. The PDC should permanently establish that the gondola be operated only during winter ski season and summer season, when backside terrain has opened, during resort operating hours only: 9-4. This would limit gondola use to Forest users, in the SUP and adjacent public lands, within seasons. This proposed PDC directly solves for the purpose and need of the projects as stated (skier movement) in the EA and would limit the extensive private development that would follow a base to base gondola that operates to serve 'restaurants and retail' and have significant impacts on local environment, wilderness, Rio Hondo watershed, and downstream communities.

PDCs related to monitoring need to be established as concrete plans: including details on who, what, when, and where monitoring will occur. As is, these PDCs read as voluntary recommendations. I recommend: there needs to be concrete plans established, with oversight applied, and penalties established for noncompliance.

---

Thank you for your consideration of the above objections. The projects will have significant negative impacts on me, my family, and the community of Valdez. This project will have significant long-term impacts on our public lands, water, access, environment, wildlife, wilderness, and surrounding communities. Once new development is approved and constructed it is impossible to reverse course. For this reason, it is critically important that any approvals are granted only with careful consideration of all that is at stake.

If there is an opportunity to do so, I would like to meet with Forest Service decision makers to discuss my objection. Please inform me in writing of any responses to these objections, of any further opportunities to comment, or decisions related to this project.

Sincerely,

Rob McCormack