

Valery Henderson
HC 66 Box 313
Valdez, NM 87580

December 12, 2024

USDA Forest Service
Attn: Michiko Martin, Regional Forester, Objection Reviewing Officer
333 Broadway Blvd SE
Albuquerque, NM, 87102

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

Re: Objection regarding Taos Ski Valley, Gondola And Other Improvements Projects

Dear Objection Reviewing Officer Martin,

The following objection is submitted on behalf of myself, Valery Henderson.

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:

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

Valery Henderson
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valery.henderson@gmail.com

Valery Henderson is the Lead Objector for purposes of communication regarding this Objection.

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.

Objector submitted timely, specific, and substantive comments during the Public Comment Period on 5/22/2023 and during the scoping period on 5/6/2022. All points and issues raised in this objection refer to issues raised in those comments or are related to new information. Attached hereto are prior comments and I incorporate their arguments and information by reference.

In the following Statement of Reasons, 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.

Introduction- I am a resident downstream in Valdez, and I have a vested interest in water, acequias and the historical values of Northern New Mexico. As a parciante, I have been using the San Antonio acequia since 2004 for growing fruits and vegetables to eat. Our garden and orchard depend on irrigation for its growth and development. If the Rio Hondo is diverted, 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 am a frequent skier at Taos Ski Valley, and enjoy the outdoor opportunities that the Ski Valley provides. As a skier, I need to be realistic about the fact that skiing, in light of climate change, will be a very different sport in the future. The sport of skiing will depend on man made snow, which will affect the overall experience. Given the changes we see in the sport of skiing, does it make sense to invest \$350,000,000 on improvements to a sport that will soon become extinct?

Thank you for the opportunity to submit my objections to this Finding Of No Significant Impact (FONSI) regarding the Final Environmental Assessment of the Taos Ski Valley Gondola and Other Improvements dated October 2024. These objections arise from several categories from the Final EA and FONSI. There are key topic areas that need to be revisited to ensure this

process follows procedures appropriately and lawfully. It is my intention to highlight some areas of this proposal that do not meet that criteria.

The environmental assessment analysis does not use a broad range of the best available scientific information. This is a significant change in use and the Forest Service should have prepared an Environmental Impact Statement ("EIS") for the Project and expanded its analysis of cumulative effects. The Forest Service's analysis in the Environmental Assessment ("EA") is insufficient and, therefore, cannot support a Finding Of No Significant Impact ("FONSI"). To comply with Federal Regulations, the Forest Service must prepare an EIS for the Project. An EIS is required for major federal actions significantly impacting the quality of the human environment as specified in 42 U.S.C. § 4332(C): The "[h]uman environment shall be interpreted comprehensively to include the natural and physical environment and the relationship of people with that environment."

NEPA

The Final EA purports to use programmatic approaches in regard to the NEPA process. However, based on the broad range of significant foreseeable environmental effects that may occur, this should lead to a Notice Of Intent to prepare an Environmental Impact Statement. According to Federal Regulations and Laws an Environmental Impact Statement, (EIS) should be used in situations where the proposed action would alter several resource areas including recreation, wilderness, scenery, socioeconomics and environmental justice, access, traffic, and parking, cultural and historical resources, vegetation, wildlife, fish and botany, watershed, wetlands, and soils, air quality and climate change.

The Citizen's Guide to NEPA (2021), states, "NEPA applies to a very wide range of federal actions that include, but are not limited to, federal construction projects, plans to manage and develop federally owned lands, and federal approvals of non-federal activities such as grants, licenses, and permits. The Federal Government takes hundreds of actions every day that are, in some way, covered by NEPA. The environmental review process under NEPA provides an opportunity for you to be involved in the Federal agency decision making process. It will help you understand what the Federal agency is proposing, to offer your thoughts on alternative ways for the agency to accomplish what it is proposing, and to offer your comments on the

agency's analysis of the environmental effects of the proposed action and possible mitigation of potential harmful effects of such actions. NEPA requires Federal agencies to consider environmental effects that include, among others, impacts on social, cultural, and economic resources, as well as natural resources. Citizens often have valuable information about places and resources that they value and the potential environmental, social, and economic effects that proposed federal actions may have on those places and resources. NEPA's requirements provide you the means to work with the agencies so they can take your information into account."

National Environmental Policy Act Sec. 101 [42 USC § 4331] (a) recognized that the Federal Government's actions may cause significant foreseeable environmental effects. Using the NEPA process, agencies must determine if their proposed actions will have significant environmental effects and consider the reasonably foreseeable environmental and related social and economic effects of their proposed actions that have a reasonably close causal relationship to the proposed actions. The Forest Service's project planning and analysis must include a range of alternatives. "Action" and "No Action" are not enough. There must be other alternatives, including a conservation alternative. This project is complex and has a substantial impact on the public, with cumulative effects. A range of alternatives will provide options to find a solution that is acceptable to the public and beneficial for the forest ecosystem.

In the Final EA, page 126, the Forest Service provides a sentence about why this project does not merit an EIS. The statement states, "the Forest Service Interdisciplinary Team feels that this project falls squarely into (2) for reasons described in the following reasons. The setting of the Proposed Action is within an existing ski area SUP boundary, in an area of the Forest that is managed for that purpose as directed in the 2022 Forest Plan."

The 2022 Carson Forest Plan states the "Forest service is strongly committed to the management of the National Forests. Our top priority is to maintain and improve the health diversity and productivity of forest ecosystems for the enjoyment of current and future generations."

Please explain how we conclude that a proposed action which includes installation of a base to base Gondola, replacement of lift 2 and lift 8, installation of a 5,000,000 gallon water tank, and booster station, creation of nordic skiing and snowshoe trails, construction of restaurant near top of Lift 7, relocation of Whistlestop Cafe, and construction of a hiking trail near lift 4, improves the health diversity and productivity of forest ecosystems for the enjoyment of current and future generations.

Suggested Remedy: Complete an Environmental Impact Statement instead of an Environmental Assessment based on the numbers of projects and how the proposed project would impact these 19 issues: recreation, wilderness, scenery, socioeconomics and environmental justice, access, traffic, and parking, cultural and historical resources, vegetation, wildlife, fish and botany, watershed, wetlands, and soils, air quality and climate change, in the resource area.

Suggested Remedy: Complete an Environmental Impact Statement to include a variety of Alternatives based on the proposed action. In following the NEPA guidelines, when a proposed action is formulated determining the range of actions, alternatives need to be considered.

Environmental Justice

The Final EA references Environmental Justice which states the proposed projects would not directly impact acequias, Taos Pueblo, or other downstream water users and there would be no disproportionate impacts to downstream communities that may include low-income populations or people of a particular ethnic or cultural heritage (page 42). In the same paragraph, the proposed action will have short-term impacts to the acequias, and minimal erosion has the potential to occur. These statements do not address the true foreseeable impacts and are not supported by the definition of an acequia from the Office of the State Engineer:

“An acequia is a local government entity or political subdivision under New Mexico law, in which, owners of water rights, can govern the neighborhood ditches.”

“Acequias, or community ditches, are recognized under New Mexico law as political subdivisions of the state. Many of the state’s acequia associations have been in existence since the Spanish colonization period of the 17th and 18th centuries.

Historically, they have been a principal local government unit for the distribution and use of surface water.

“New Mexico's Acequia's—communal irrigation canals—still function as a tool to preserve and share scarce desert water.”

It is important to address this inequity and injustice, since the proposed action has no regard for downstream users, which includes low-income residents, acequia members, agricultural dependent farmers. The Final EA and FONSI do not address foreseeable impacts on social, cultural and economic resources in a comprehensive approach.

Suggested Remedy: Complete an Environmental Impact Statement that addresses these inequities in this area of environmental justice, specifically addressing acequias, Taos Pueblo and other downstream users.

Suggested Remedy: Complete an Environmental Impact Statement that addresses these inequities in this area of environmental justice, specifically addressing contaminated water sources.

Suggested Remedy: Please use the Forest Service Tool, Watershed Condition Framework, while addressing this proposed action that affects downstream users.

Public Involvement

NEPA requires public involvement in the EA process “to the extent practicable.” In other words, this public involvement can vary depending on the proposed action and the level of stakeholder and public. At a minimum, agency staff should consider providing opportunities for public involvement during informal or formal scoping, a 30-day public review and comment period.

The Forest Service has not genuinely included the public in the analysis process and did not perform effective outreach to have feedback from the community. The Forest Service website did not post any notices about the public meetings.

On a snowy March evening, the forest service designed a public meeting that would not allow questions and answers. The plan was to have a one-way dialog in the form of a presentation. The public in attendance were able to negotiate an opportunity for discussion, even though the Forest Service was unwilling.

Based on outcry from the public, there was an additional public meeting. During the meeting at the local hotel, the meeting's focus was not to engage the public. The focus of the public meeting was to repeat the same one-way communication with separate tables for individual discussions. The forest service did not provide chairs for disabled participants and again were not willing to have questions and answers to be addressed as an open discussion. After two public meetings, the participants were not provided with agendas, minutes or documented clarifications. During the first public meeting in March, Adam Ladell specifically stated that the topic of water was not going to be addressed. If the forest service was interested in having community involvement, then they would be addressing a key component of the proposed action. How can an informed decision be made, without key indicators shared?

Suggested Remedy: Re-Do the public comment opportunities. Publish the notices of the meetings, take minutes at the meetings, publish questions and answers from the meetings.

Suggested Remedy: Replan public meetings that do not discriminate against disabled participants needing assistance.

The Forest Service used studies done by a narrow group of scientists that agree with their perspective and virtually none from scientists with a conflicting perspective.

Wildlife

The Forest Service has been understating the extent of the Proposed action in reference to Wildlife, Fish and Botany. The Final EA and FONSI do not address the foreseeable future cumulative impact on wildlife. TSV EA Wildlife Report states, Federal Threatened and Endangered Species Considered. On page 21, stating potential effects of the proposed action on threatened and endangered species are analyzed within this section. 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 Final EA completely ignores the Sangre de Cristo Pea Clam, a sensitive and vulnerable species found about a mile from the disturbance zone of the Gondola project. Despite its proximity, the Sangre de Cristo Pea Clam has not yet been found in the Kachina Basin. However "it is hardly likely that this new form is restricted to Middle Fork Lake... further studies may show the species of *Pisidium* to be more diverse than presently known." (Taylor, 1987). The Forest Service needs to document the absence of the Pea Clam from the ponds and wetlands in the Kachina Basin to ensure that irreparable harm isn't done to this magnificent creature.

Rio Hondo

The Rio Hondo, an Outstanding National Resource Water, will be impacted by development upstream, changing the viability of irrigation farming and other long term cultural and historical paths.

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.

The 2022 Carson National Forest Land Management Plan directs the Carson to “consider patterns of recharge and discharge and minimize disruptions to groundwater levels that are critical for wetland integrity.” In addition it says: “Within riparian management zones, management activities, permitted uses, and structural developments (e.g., livestock water gaps, pipelines, fences, or other infrastructure) should occur at levels or scales that move toward desired conditions for water, soils, and vegetation and align with the most current regional riparian strategy”

Suggested Remedy: The Forest Service should 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, and 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 Base-to-Base Gondola plan is using the Comfortable Carrying Capacity term used by SE Group, which is a secret formula. How can the public evaluate a secret tool?

Currently, the Forest Service changed the rules of use around the Gondola. Each rider must have a ticket, at a nominal fee. What is that? How is this monitored? Will this change? Again, how will the public evaluate this ever changing proposed plan?

The Base-to-Base Gondola will produce a foreseeable significant environmental footprint affecting wildlife, water, erosion, trees, noise, lights and birds. This proposal deserves an EIS. Another underlying issue is the future Planned development in the Kachina Basin, including restaurants, retail shops and condos. With more development planned for the Kachina Basin, there will be more cars, more traffic and more people. How will that small area absorb an increased number of people? What are the short and long term effects?

Suggested Remedy: Please 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.

Suggested Remedy: Use the infrastructure that already exists.

Suggested Remedy: Consider using electric buses on Twining Road expanding on the Taos Ski Valley's NetZero ethos.

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, used for snow making and fire mitigation. 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? These questions were not addressed in the final EA or the FONSI.

Suggested Remedy: Conduct an Environmental Impact Statement to study the sources of water to be stored in the tank. The Forest Service needs to 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 tribes, Acequias and rural historic 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.

Suggested Remedy: Please relocate the Nordic /Snowshoe trails to an area without negative impacts to the Rio Hondo.

Restaurants

The restaurant facility as described 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. FSM 2340.3 states that the forest 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.

Suggested Remedy: The Forest Service should follow its policy as above and deny additional restaurants, when services are already offered and reasonably available.

Thank you for allowing me an opportunity to state my objections to this Proposed action. The existing analysis cannot support a FONSI. The context and intensity of the Project require preparation of an EIS. That EIS should consider the direct, indirect, and cumulative effects of the Project in much greater detail and the existing EA. The magnitude of this project does not fit the rural landscape and fails to respect land-based communities that have been historically marginalized by CNF project permits and associated water and land management decisions.

Respectfully,

Valery Henderson