

Dec. 15, 2024

USDA Forest Service

Attn: Michiko Martin, Regional Forester, Objection Reviewing Official

333 Broadway Blvd SE

Albuquerque, NM 87102

Re: Taos Ski Valley Gondola and Other Improvements Project Objection

Dear Regional Forester Michiko Martin,

This letter is filed in response to the October 31, 2024 legal notice of the opportunity to object to the draft Decision Notice and Finding of No Significant Impact for the Taos Ski Valley Gondola and Other Improvements Project proposed within the Carson National Forest, Questa Ranger District. The responsible official is Forest Supervisor, James Duran. As an activity implementing a land management plan, the Taos Ski Valley Gondola and Other Improvements Project is subject to pre-decisional objection under subparts A and B of 36 CFR Part 218. I file this objection as one who has previously submitted specific written comments regarding the proposed project during the public comment period on the Draft Environmental Assessment (DEA).

In my March 28, 2023 comments during the first 30-day comment period, I expressed that a project of this scope could significantly affect the environment of the Village of Taos Ski Valley, the downstream watershed of the Rio Hondo, and the larger community. I cited potential impacts to recreation and wilderness, wildlife, and cultural resources, and stated that I felt an Environmental Impact Statement was warranted. I also requested an extension of time to review the proposal and submit comments. Those comments, in full, are incorporated by reference, as provided in 36 CFR 218.8(b).

On May 22, 2023, during the second public comment period on the DEA, I further commented that it failed to fully consider the environmental impacts of the proposed projects, citing a lack of detail for each project element, thereby disallowing thoughtful analysis. On page 2 in the fourth paragraph of the letter I also cited an incomplete presentation of the need for these projects and a failure to put the proposed actions into the proper context of ongoing development and other recent National Environmental Policy Act (NEPA) actions at Taos Ski Valley necessary to evaluate the cumulative impacts of interrelated projects. In the fifth paragraph I noted the absence of alternatives and stated that the DEA should present real alternatives in detail and describe potential impacts on the human and natural environment for each. I then made several suggestions and provided specific examples to illustrate the type of alternatives that ought to have been included. I described the inadequacy of the DEA in identifying how the proposed series of projects will affect public access to the Williams Lake/Wheeler Peak Trailhead in paragraph 6 and suggested that a range of alternatives for each project component that has potential to affect the use of this trailhead and their potential impacts be included. In paragraph 7 I addressed the interrelatedness of the Gondola component of the proposed action with real estate development on the adjacent private property and suggested that an analysis of impacts should consider the inter-relatedness of these activities. Potential socio-economic impacts to the wider community were discussed in paragraph 9 in relation to the larger overhaul of Taos Ski Valley (TSV), of which the proposed projects are only a part. This addressed the need to consider in the analysis how the proposed actions fit into the ski area's ongoing transformation into a "world class resort". The comment letter concludes with the assertion that the projects described in the DEA are tied to TSV's larger vision, as are other recent improvements, and the cumulative impacts of all phases of TSV's

transformation ought to be evaluated through a comprehensive Environmental Impact Statement. Those comments, in full, are incorporated by reference, as provided in 36 CFR 218.8(b).

Objection 1: I object to the Finding of No Significant Impact. The Final Environmental Assessment (FEA) remains narrow in scope. The EA draws no clear connection between the currently proposed projects and those implemented in the years immediately prior. Please refer to Appendix A, Recent NEPA Actions Related to Ongoing TSV Development, for a list of recent NEPA actions affecting the TSV SUP.

TSV's 2010 Master Development Plan that was subtitled "- Phase 1 Development Projects" included two new lifts, 72 acres of glading, replacement of 3 existing lifts, construction of a snowshoeing center and a tubing hill, construction of a mountain bike trail from the top of Lift 1, and the reconfiguration of parking lots and the skier drop off area. An EIS approved in 2012 was completed for that set of projects. Since that time, there has been no comprehensive NEPA document describing and analyzing the subsequent phases of development.

The Forest Service Projects website for the Carson National Forest, however, shows 8 separate development projects between 2012 and 2019 that each required modification of TSV's SUP and each received approval by Decision Memo that precluded further impact analysis under a NEPA Categorical Exclusion. To summarize, these have included snowmaking infrastructure expansion; Rio Hondo stream channel modifications; realignment of Thunderbird Road and installation of a new bridge and sidewalks; repaving of Sutton Place to include a buried utility and communications trench; regrading of Strawberry Hill Road to include buried power line extensions; installation of a propane-fueled avalanche control systems on the high ridges; construction of 18.2 miles of mountain biking trails; construction of the 0.7 mile reroute of the beginning section of the Williams Lake Trail; and construction of the Via Ferrata climbing route system in the Kachina cirque. Rather than being approved one at a time, in a piecemeal fashion, those projects should have been considered together, along with the major TSV real estate development projects that were occurring concurrently on adjacent private land, under a phase 2 development projects NEPA document.

Contrary to the statement in the first paragraph of section 1.1 of TSV's 2021 Master Development Plan, the entirety of TSV's existing lift, trail and infrastructural network is **not** operated on public lands under TSV's SUP. According to Figures 1 and 2 on page 89 and 90, the lower portion of the front side of the mountain is private land that falls outside the Carson and the SUP boundary. The Pioneer Lift, Magic Carpet, Rueggli Lift and the Gondolita all occur outside the SUP, along with the main base area, the Children's Center, and the Little Maintenance Facility. The maps also show that the lower third of Lift 1 occurs outside the SUP. According to property ownership map data from the Taos County Assessor's website, those private parcels, along with large private parcels in the Kachina Basin area, are owned by Taos Ski Valley, Inc. or one of TSV's real estate holding companies. This may explain the lack of NEPA documentation for development activities that have recently occurred on those lands and at those facilities – because they fall outside the SUP no federal approval was required.

While the projects that required modification of TSV's SUP and Forest Service approval were occurring, large-scale development was occurring on privately owned TSV parcels in the Village Core Zone (VCZ) and in the Kachina Basin area. These projects included removal of TSV's main ski services building and construction of new 120,000 square foot mixed-use building that includes the Blake Hotel; construction of a mixed-use development project within the CVZ that included 4-story buildings supporting parking, 2,400 square feet of retail space and three stories of 27 condominium units and an ice skating rink; remodeling of the Children's Center; the removal of Rueggli and Strawberry Hill Lifts and replacement with new longer triple chair; construction of a new gondola lift from main base area to Children's Center

(Gondolita); recontouring of beginner terrain near the main base; replacement of Lift 1; remodeling of the Phoenix lodge and expansion of the Bavarian restaurant; replacement of the historic St. Bernard Hotel with a modern building; and others.

Although federal approval may not have been required for these projects on private land, the DEA and FEA should have described them as related activities and cumulative impacts analyzed, as directed under the Forest Service handbook, Chapter 10, section 15.1. With regard to cumulative effects, that section states, “Individual actions when considered alone may not have a significant impact on the quality of the human environment. Groups of actions may have collective or cumulative impacts that are significant. Cumulative effects must be considered and analyzed without regard to land ownership boundaries or who proposes the actions. Consideration must be given to the incremental effects of the action when added to the past, present, and reasonably foreseeable related future actions of the Forest Service, as well as those of other agencies and individuals, that may have a measureable and meaningful impact on particular resources.”

In my opinion, the current set of projects proposed under the FEA represent the third phase of development projects that directly follow the set of projects implemented in the previous phase. All of these projects together, starting with those included in the 2012 EIS, comprise one large development project intended to overhaul the entire operation, both inside the SUP and on TSV’s adjacent private land, and upgrade the once family-owned ski area into a world class resort suitable for purchase by the Vail Corp. or a similar global resort conglomerate. The full scope of impacts of this major overhaul have not been evaluated as one major initiative with dozens of components, but as separate individual projects, considered one at a time in piecemeal fashion. Furthermore, the related projects that have occurred on the private land adjacent to the TSV SUP area have not been considered at all. This project cannot be separated from the projects and activities that surround it temporally or spatially. That is, the current proposed action is part of a larger TSV vision and initiative that includes many projects that have come immediately before it and additional actions that are likely to follow in the foreseeable future.

The determination and finding of no significant impact fails to appropriately consider the context and intensity of the effects of the proposed action (Title 40 CFR, Chapter 5, Subchapter A – National Environmental Policy Act Implementing Regulations, 1501.3(d)(1)). When the effects of all prior projects connected to the current proposed action are considered, the scope of impacts broadens to affect a wider area and community, over a longer period of time than was presented or analyzed in the FEA and supporting documents. The realized and potential impacts of the larger project are both long-term and intense in their effect and warrant a deeper analysis.

For this reason, the current proposed action has not received the appropriate level of environmental review (Title 40 CFR, Chapter 5, Subchapter A – National Environmental Policy Act Implementing Regulations, 1501.3(b)(3)). The proposed action is a component of a larger project that has not been adequately described. The FEA has not considered the connected actions that have occurred within the past 15 years. These recent prior activities are closely related to the proposed project. Due to the interrelatedness of the current proposed action with several prior actions considered under separate analyses, the level of review warranted under NEPA is Environmental Impact Statement (EIS).

Preparation of an EIS that considers the proposed action in the context of related past NEPA actions, recent and ongoing real estate development on adjacent private lands owned by TSV, and additional development activities reasonably expected to occur in the foreseeable future will enable the Carson National Forest to meet its mandates related to NEPA implementation, including to appropriately

consider the context and intensity of the effects of the proposed action and conduct the appropriate level of environmental review.

Public access to the Wheeler Peak/Williams Lake Trailhead, for example, has already been impacted by the 2018 Taos Ski Valley Trails Project that realigned the first 0.7 miles of the Williams Lake trail from its historic alignment. That project, which also included construction of 15 miles of mountain bike trails within the SUP, is related to several components of the proposed action including the Gondola, the Lift 4 hiking trail, the Lift 7 Restaurant, and the value that these projects add to the private real estate lots adjacent to the SUP in the Kachina Basin area. Failure to consider how recently completed and currently proposed projects together impact public access and use now and in the future fails to meet the mandate of NEPA. The trail access is but one of several issues that deserve a deeper analysis. Again, a comprehensive Environmental Impact Statement is the designated process and the appropriate remedy to describe and evaluate the wide array of potential impacts anticipated from the proposed project.

Objection 2: I also object to the lack of alternatives presented in the FEA. After reviewing the FEA and supporting documents, I maintain that NEPA requires that such proposed projects be considered alongside and analyzed in relation to alternatives. Only the preferred and a no action alternatives were presented as viable alternatives. The alternatives considered but dismissed were not formulated into a single alternative course of action that could be evaluated against the preferred alternative. Rather, alternatives to individual components of the project were mentioned and dismissed individually, resulting in no alternative being presented for consideration. For this reason, the environmental effects of the proposed action and alternatives were not discussed. Discussion of the environmental effects of the proposed action and alternatives is required under Title 40 CFR, Chapter 5, Subchapter A – National Environmental Policy Act Implementing Regulations, 1501.5(c)(2).

In consideration of this fact, the environmental analysis presented in the FEA is inadequate because it does not present or evaluate alternatives as required by NEPA section 102(2)(H) and Title 40 CFR, Chapter 5, Subchapter A – National Environmental Policy Act Implementing Regulations, 1501.5(c)(2). At this stage of the process, I feel that preparation of an EIS is the appropriate remedy to address the matter of alternatives not presented for consideration.

Thank you for your consideration of the above objections. I look forward to continued participation in the environmental review process for this project and welcome any opportunity to discuss these objections and related comments with the Reviewing Official. Please inform me in writing of any responses to these objections, opportunities to comment further, or decisions related to this project.

Sincerely,

John Castillo

[REDACTED]
[REDACTED]
[REDACTED]

Attachments: Recent NEPA Actions Related to Ongoing TSV Development

Appendix A. Recent NEPA Actions Related to Ongoing TSV Development

The following list was generated from projects listed on the USDA Forest Service Projects website for Carson National Forest listed under Current and Recent Projects, sorted by: Management Unit. It may not represent all recent projects that have required a modification of Taos Ski Valley's Special Use Permit. (<https://www.fs.usda.gov/projects/carson/landmanagement/projects?SORTBY=2&ARCHIVE=0>).

2012: Taos Ski Valley's 2010 Master Development Plan – Phase 1 Proposed Projects (Record of Decision, NEPA Environmental Impact Statement). Projects approved under preferred alternative 2:

- Construction of new Kachina Peak (Main Street) Lift.
- Construction of new West Basin (Ridge) Lift.
- Thinning of 32 acres along the West Basin Ridge (Wild West Glades).
- Thinning of 40 acres below Lift 7 (Minnesota Glades).
- Replacement of Lift 4 (then known as the Kachina Lift).
- Replacement of Lift 5 (High Five Lift).
- Replacement of Lift 7 (Maxie's Lift).
- Development of Tubing Hill.
- Construction of Adventure Center (Snowshoeing).
- Construction of Mountain Bike Trail from top of Lift 1.
- Creation of new East Drop-Off Area.
- Reconfiguration of Parking Lots.

2012: Taos Ski Valley 2012 Summer Projects (Decision Memo, NEPA Categorical Exclusion).

- Installation of 440 yards of snowmaking pipe to link two systems.

2013: Kit Carson Electric Cooperative Fiber-optic project (Decision Memo, NEPA Categorical Exclusion)

2015: Taos Ski Valley Sutton Place Utility Installation and Culvert Replacement (Decision Memo, NEPA Categorical Exclusion).

- Amend SUP to install a joint buried utility line along NM Highway 150.
- Install joint utility trench within roadbed of Sutton Place (electric, natural gas, fiber optic, and sewer lines).
- Replace four existing Sutton Place culverts with three larger concrete box culverts

2017: Strawberry Hill and Thunderbird Road Crossings Project (Decision Memo, NEPA Categorical Exclusion).

- Realignment of Thunderbird Road
 - Replacement of culvert along the North Fork of the Rio Hondo
 - Widening of road and addition of second sidewalk
- Improvement of Strawberry Hill Road and installation of modular bridge
 - Regrading Strawberry Hill Road.
 - Removal of boxcar Rio Hondo crossing and installation of precast modular bridge.
 - Removal of overhead lines and Installation of buried power lines.
 - In-stream channel modification and habitat improvement structures
 - Replacement of boardwalk between strawberry Hill and Sutton Place.

2018: Taos Ski Valley Gazex Avalanche Mitigation System Installation (Decision Memo, NEPA Categorical Exclusion).

2018: 2018 Taos Ski Valley Trails Project (Decision Memo, NEPA Categorical Exclusion).

- Construction of 8 new mountain bike trails totaling 15 miles.
- Realignment of first 0.7 miles of Williams Lake trail.

2018: 14D Mountain Bike Trail (Decision Memo, NEPA Categorical Exclusion).

- 3.2 miles of flow track within the special use permit boundary at Taos Ski Valley.

2019: Taos Ski Valley Via Ferrata Project (Decision Memo, NEPA Categorical Exclusion).