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Organization: Friends of the Wheeler Peak Wilderness

Title:

Comments: Dear Supervisor Duran,

Thank you for the opportunity to comment on this Draft Environmental Assessment (EA).

I am writing to you in opposition of the Taos Ski Valley Gondola and Other Improvements #61390 Project. While I do not oppose every aspect of this proposal, the manner in which it has proceeded and been reviewed is not only alarming but it also does not comply with NEPA policy. Additionally, since the EA offers no Alternatives, as is required, I have to object to the whole proposed action. It is the sole discretion of the Forest Service (FS) to make the decision of whether an EA or EIS will be required based on their determination of a project. It is bewildering to me and others that you feel this proposal does not meet the NEPA threshold for an EIS by "significantly affecting the human environment". The direct, indirect, and cumulative effects of; major construction (and future use) of the gondola, a new restaurant, moving & doubling in size of another restaurant, and 5 million gallon water tank and booster station, all have huge consequences on our ecosystem and watershed. Therefore, I am asking the Forest Service (FS) to pull this EA and require the SE Group to submit a full Environmental Impact Statement (EIS).

There are many issues that the EA (at a mere 55 pages) does not even cover. Some of these include; concerns over access to our public lands and wilderness areas, impacts to the Rio Hondo Watershed, impacts to the watershed of both the Columbine-Hondo and Wheeler Peak Wilderness Areas, (CHW & WPW), and failure to address other at-risk species that exist within the Project area (including identified CNF species of conservation concern and species listed as threatened or endangered under the State of New Mexico's Wildlife Conservation Act). Seeing that the EA failed to analyze some of these key concerns that were raised during scoping, it is in violation of NEPA policy.

Another major failure with this analysis is the lack of Alternatives. In the Draft EA prepared for TSVI (Taos Ski Valley Inc.) by the SE group, under: Chapter 2. Description of Alternatives, 2.1 Alternatives Considered in Detail, it states: "NEPA requires that an environmental analysis examine a range of alternatives, which "would resolve conflicts about the proposal." Furthermore, Forest Service Handbook 1909.15 directs the ID Team to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources" (USDA Forest Service 2012). Yet, all that follows is a description of each project and why it should be considered - all of these favoring TSVI. This should be an unbiased review of projects and a consideration of alternatives, not a pro-corporation analysis. As stated by Winter Wildlands Association (WWA); "the law is clear that the agency should have considered and analyzed a no action alternative that would have provided an environmental baseline against which to evaluate the environmental consequences of the proposed action". As employees of our Federal Lands you were hired to preserve the mission of the National Forest Service, "To sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations." As a Federal agency in service of the American People, your major responsibility is to be stewards of these public lands as your motto states; "Caring for the Land and Serving People".

2.1 Alternatives Considered in Detail

Water Tank and Booster Station

It has been mentioned by many organizations that the information regarding TSVI's water rights is misleading. This issue must be fully vetted by CNF so that TSVI is using their given water rights appropriately and at the

correct times of the year.

As noted by New Mexico Acequia Association (NMAA), CNF (Carson National Forest) also failed to disclose to the public a prepared document pertaining to water usage, one of which may have a significant interest in the outcome of this matter. NMAA goes on to address major inadequacies of the EA that fail to analyze many hydrologic impacts, both surface water and groundwater. Among these; "The Draft EA concedes that the Taos Ski Valley resort currently may not have sufficient water rights and adequate infrastructure to supply the increased demand and usage of water the Proposed Project requires by identifying the possibility of hauling water to the project site and hauling sewage off the project site (Draft EA, p. 7), yet fails to analyze the effects of such actions. Draft EA, pp. 1-53".

2.1.1 Base-to-Base Gondola

Given the scope of the direct, indirect, and cumulative effects for the construction and use of the Base to Base Gondola project, that itself should have triggered an EIS. The Lake Fork of the Rio Hondo is classified as having Tier 3 protection, and "does not allow for any degradation or lowering of water quality unless impacts are minimal and temporary". Not only is it protected as such, it is the life-blood of the community, culture, and valley, and should be respected, especially in these times of climate change. This is another issue that was mentioned during scoping but glazed over in the EA. In his analysis, Mark Watson, NM Fish and Game also offers the following: "The proposed project occurs within or near a riparian area. Because riparian areas are important wildlife habitats, the project footprint should avoid removing any riparian vegetation or creating ground disturbance either directly within or affecting the riparian area, unless the project is intended to restore riparian habitat through non-native plant removal and replanting with native species. If your project involves removal of non-native riparian trees or planting of native riparian vegetation, please refer to the Department's habitat handbook guideline for Restoration and Management of Native and Non-native Trees in Southwestern Riparian Ecosystems. Your project could affect important components of wildlife habitat, including fawning/calving or wintering areas for species such as deer and elk, or general high wildlife movement and activity areas for large mammals."

3.2 Wilderness, 3.2.1 Affected Environment

Page 20 of the EA states that "The CHW is located north of TSV's SUP area and across NM-150. This wilderness area does not share a boundary with TSV like WPW does; therefore, it is expected that no direct or indirect impacts would occur within this wilderness area as a result of the proposed projects. Because of the spatial separation, the CHW will not be analyzed any further for impacts expected from the proposed projects. However, the CHW also abuts the parking lot, with some of it being accessed immediately from TSVI's parking area. This parking lot is most likely where most of the staging will take place for these massive projects. This makes TSVI directly in its viewshed as well as being a main source for noise pollution in this abutting wilderness. Forest Service Manual FSM §2343.14(1)e1 states that "recreation and facilities at ski areas must harmonize with the natural environment of the site where they would be located by being visually consistent with or subordinate to the ski area's existing facilities, vegetation and landscape." Along with this, TSVI borders the WPW and must ensure any approved projects align with the above direction. Scoping comments included this issue and the EA should have included a viewshed analysis.

TSV Visitation and Operations

Also under 3.2 Wilderness, 3.2.1 Affected Environment, the EA states that; "Due to the existing shared boundary between the WPW and TSV, there are current uses and operations of TSV that influence the wilderness area. As previously described, Wheeler Peak Trail and Williams Lake Trail start within the TSV SUP boundary and are prominent access points to the wilderness." This is simply not true. In 2018 TSVI proposed to move the Williams Lake Trail, they were able to classify this as a "categorical exclusion" and the project was approved. The start of the trail was moved and now begins within TSV's SUP. However, there is still a prescriptive easement for the trail and it continues to be used (and shall continue into the future) to access the Wheeler Peak Wilderness area - Williams Lake Trail & Wheeler Peak Trail. The concern that access is slowly being taken away, one step at a time, is something we are all aware of. The parking and trailheads to access our public lands and wilderness

areas must be addressed in all future assessments. This is not something that is up to the discretion of the TSVI, it is your duty to protect our current access to our public lands. "As it relates to parking for non-TSV activities available on nearby NFS lands outside the TSV SUP area, the base-to-base gondola could also provide new parking/access for these activities. Whether or not the proposed gondola would be free to non-TSV users during the summer months would be a business decision at the discretion of TSV." The installation of a gondola to access the backside of TSV where many people engage in activities outside of the SUP area in our Public Lands begs many questions. It creates Environmental Justice concerns brought forth during the scoping period that were not addressed in the EA. This needs further attention and analysis as to how our access might change during and after construction. I have also attached some photos of access to the trail right now that is being affected by the construction on Chair 4. In April, President Biden announced new environmental justice actions, including an executive order that the White House says will make environmental justice a central mission of federal agencies. "Every federal agency must take into account environmental health impacts on communities and work to prevent those negative impacts. Environmental justice will be the mission of the entire government woven directly into how we work with state, local, tribal, and territorial governments."

3.2.2 Direct and Indirect Environmental Consequences

"However, to offset any undue visitation contributions the proposed base-to-base gondola may have to Williams Lake Trail and thus the WPW, the Lift 4 hiking trail is being proposed. This trail would provide an additional hiking opportunity with a similar recreation experience to the Williams Lake Trail; however, the Lift 4 hiking trail would be located entirely within the TSV SUP boundary. By providing a similar hiking opportunity, it is anticipated that the proposed trail could offset the number of visitors entering the WPW from the base-to-base gondola." There is no data to back this up, it is an entirely different recreation experience to hike in the WPW vs. in TSVI's SUP. Please further analyze this statement and provide data.

3.5.2 Direct and Indirect Environmental Consequences

Parking and Access

In regard to "the proposed gondola helping address the potential for traffic incidents on Twining Road and is anticipated to alleviate the congestion that currently exists during busy times of the season." There is no data to back this up. Especially if they are charging money to ride the gondola. Please further analyze this statement and provide data.

3.9 Watershed, Wetlands, and Soils

There are also many organizations concerned with the lack of data in the EA regarding watershed and stream protection. We encourage more detailed review by the Caron Forest Service staff. Trout Unlimited suggests; "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."

In conclusion, given TSVI's current business status as a certified B-Corporation, as stated in the EA, it is imperative for them to stand behind their name and have a legitimate EIS conducted that adheres to NEPA Policy. Along with all else mentioned in this letter, the fact that the full build out for TSVI's MDP (Master Development Plan) has not been considered or mentioned in any part of this process is yet another warning. The future of TSV Inc. is being favored over the community of Taos. CNF only held public meetings after there was community outcry, and then they were held as a meet and greet instead of an open forum where people could ask questions - twice. Luckily our community persevered and was able to make their voices heard, however most questions were left unanswered. Public engagement is imperative to this process, your agency states that: "As employees of the Forest Service, we must be trusted to "do right" in how we treat each other as colleagues and how we engage with the people and communities we serve." Furthermore, the Village of TSV

(Village) has had major water line failures twice in the past year. That the Forest Service is even considering this type of development before the issue is mitigated is baffling. The Village has even stated that they cannot guarantee the new St. Bernard (purchased and demolished by TSVI) will have adequate water. Lastly, please don't forget that Taos Ski Valley is a unique and special place. The sensitive ecosystem is an oasis in the high desert environment. Continue to respect this wild place you work for. Support the ecology and watershed by limiting growth and construction as well as keeping access open to the community and visitors who wish to spend time in their public lands and wilderness areas.

Please think about the process of this current proposed action and how it has failed on so many levels. Use it as a learning process, go back, start over, and do it right - please.

Respectfully