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Comments: On Monday, March 13, Cultural Energy's Robin Collier and I interviewed Questa District Ranger Adam LaDell about the Taos Ski Valley Gondola and Other Improvements (aka TSV Master Development Plan) Draft Environmental Statement (EA) , released on March 9. The public has one month to comment on the draft before the U.S Forest Service releases a Final EA and Record of Decision.

Here's a quick overview of the proposed improvements:

- * A gondola that connects the base of TSV with the Kachina Basin;
- * Replacement of Lifts 2 and 8;
- * Construction of a new water tank and booster station to improve snowmaking and provide fire suppression capability;
- * Development of Nordic and snowshoe trails;
- * Development of a new restaurant at the top of Lift 7;
- * Replacement and relocation of the Whistlestop Café;
- * Development of a hiking trail near Lift 4.

We went into the interview knowing that many of the questions we wanted answered would be deferred because "that's not in the Forest Service's purview." Which essentially means that all of the proposed improvements within the TSV's Special Use Permit (SUP) are included in the EA while those outside the SUP boundaries aren't: the proposed Kachina Basin development on private land adjacent to the Wheeler Peak Wilderness; the expansion of the Taos Airport flying in chartered jets of skiers; and the impacts on the quality and quantity of the Rio Hondo. As I noted in my previous La Jicarita article, the EA also fails to consider any other alternatives that might have amended or excluded any components of this preferred alternative.

We went ahead with our questions to emphasize that the potential impacts of this project extend far beyond the sanctioned boundaries of TSV. Or as Cultural Energy's Robin Collier put it, this EA doesn't exist in a vacuum and its failure to adequately address the cumulative effects is a typical failure of the NEPA process (National Environmental Policy Act).

We particularly pressed LaDell about the cumulative impacts of significantly increasing the number of people using the limited resources of this geographically small basin that happens to be the headwaters of the Rio Hondo and the entry to the Wheeler Peak Wilderness and Taos Pueblo's sacred Blue Lake. But he deferred to the EA, which only assesses cumulative impacts in each section of Chapter 3: Affected Environmental and Environmental Consequences, which fails to adequately address the much larger picture of what these sections impact in their entirety.

For example, in Section 3.4 Socioeconomics and Environmental Justice, under Cumulative Impacts the EA claims that "past, present, and future projects with the TSV SUP area have contributed to and would likely continue to contribute to economic growth trends within Taos County." As for Environmental Justice, "There would be no disproportionate impacts to downstream communities that may include low-income populations or people of a particular ethnic or cultural heritage . . . The proposed Lift 4 hiking trail is located entirely within the TSV SUP boundary and is anticipated to reduce the likelihood of increased trespass onto Taos Pueblo lands by keeping users out of the WPW and in a managed recreation setting."

In the Cumulative Impacts paragraph Section 3.4 this is the EA's conclusion: "Overall, because the projects are located within the boundaries of the existing ski area operations; would not measurably impact visitation or current economic trends; and would not directly impact these communities or the water quality or quantity of the Rio Hondo, the proposed action would not change traditional lifestyles of those that live in Valdez, Arroyo Hondo,

Arroyo Seco, or Taos Pueblo."

When pressed that this assessment sorely lacks the input of the many acequia parciantes that their "traditional lifestyles" will indeed be affected (and have already been affected) or the growing income inequality evident in Taos County, LaDell encouraged everyone to attend the March 23rd meeting in the Taos Ski Valley (6 to 7:30 at the Taos Tent, 7 Thunderbird Road) to insure that these concerns are more fully explored in the final analysis. In a conversation with LaDell after the interview he told us that the while the Forest Service is hiring additional staff with federal funding, he's having trouble finding affordable housing for lower level GS (government employment levels) hires. Where will the projected 875 (of which only 200 are fulltime) employees of TSV find housing that they can afford?

Here are two other significant concerns that will no doubt be raised in the public meeting and in submitted comments.

Water Rights

In both the Scoping Letter and Draft EA it's stated that TSV has a diversion right of 200 acre feet per year (afy) (15 afy consumptive). I was caught off guard when LaDell told us that TSV must obtain a permit for a well from the Office of the State Engineer (OSE) for the proposed restaurant development at the top of Lift 7 and Robin questioned the efficacy of drilling into solid rock. This is what the EA says about acquiring water for the restaurant:

"Should it be determined that the proposed well is not viable, water and sewer would be provided from either trenching pipelines within existing ski trails and access roads or manually hauling these utilities in and out. In the later configuration, sewage would be held in a Forest Service compliant remote septic system that would be contained within the broader disturbance footprint of the restaurant site."

According to the OSE website, TSV Sanitation has 218.2 afy diversion rights and 10.91afy consumptive rights. The Taos Ski Valley Village has 200 afy diversion rights and 15 afy consumptive rights for domestic, municipal, and snowmaking. All the water rights listed on the website, the earliest of which is 1966, originate as surface rights belonging to the Pattison Family Trust. On the Sanitation section of the website, it says that all the four points of diversion are in the vicinity of the Lake Fork of the Rio Hondo, which the courts declared had to be referred to as the headwaters of the Rio Hondo. Twining Water and Sanitation District transferred water to the TSV Village from four points of diversion that appear to be the same as the Sanitation diversions:

* Gunsite Spring: 11/30/1986

* Pattison Beaver Pond: 4/30/1986. The site says this is from the Rio Pueblo, not the Rio Hondo

* Phoenix (Kachina Spring): 12/31/2001

* Burroughs Spring: 12/13/2001

Thirty-six percent of these 200 afy of water rights were for snowmaking. These diversions must be off-set by the San Juan/Chama rights that Twining Water and Sanitation District acquired in 1977. The OSE limited TSV's use of the water from between November 1 through April 1 after denying a time of April 1 to October 1 as "detrimental to other valid water rights in the Rio Hondo." In a 2000 document it said that for the past 5 years the Water Rights Division hadn't requested the Interstate Commission/Bureau of Reclamation to release SJ/Chama water to offset depletions.

In her letter during the Scoping period, Phaedra Greenwood, parciante on the Acequia de Atalaya in Arroyo Hondo, references the fact that "the downstream communities on the Rio Hondo share the water, in flood and drought, by percentage based on how much acreage they each own. This is carefully monitored, while at the headwaters in Taos Ski Valley, Inc. and the Village of Taos Ski Valley they say they have water rights from 200 afy to 400 afy, and access to a million gallons a day from the Phoenix Spring . . . But in times of severe drought and climate change, the most important unanswered question is will Taos Ski Valley, Inc. and the Village of Taos Ski Valley be part of the Rio Hondo water sharing agreement by percentage, or can they just help themselves to as much water as they choose?"

Wildlife

While Section 3.8 of the EA addresses Wildlife and Fish, many who commented on the scoping letter and who have been sharing concerns among themselves were surprised to see that neither the pine marten nor the ptarmigan were listed in the "Threatened and Endangered Species Considered" section of the TSV Wildlife Report. Both of these species are present in the TSV and are listed as Threatened species in New Mexico. The Wildlife Report lists only the Threatened and Endangered Species that are not present in the TSV: Mexican spotted owl; Southwestern willow flycatcher; Yellow billed cuckoo; and the New Mexico meadow jumping mouse. According to Alissa Radcliff, biologist for the Carson National Forest and part of the ID team that drafted the TSV Draft EA, the U.S. Forest Service changed the NEPA rules on how it analyzes wildlife in 2012 with a national rule that replaced the regulation of "Forest Sensitive Species" with the "Report on Species of Conservation Concern (RSCC)," which was incorporated into the Carson Forest Plan. This RSCC reviewed federal and state listed and indicator species and habitat conditions to determine what species were of concern, which reduced the number of those included in the Draft EA. In the case of the pine marten, they determined that because its habitat is in the stable, spruce/fir forests of the wilderness area, projects in the TSV MDP wouldn't degrade that habitat over time. As for the ptarmigan, they determined that while it's found within the SUP, its alpine habitat is outside the area of improvements.

Jon Klingel, retired biologist, and Brian Long, wildlife specialist, sent an email to the New Mexico Department of Game and Fish in which they shared their opinion on the status of the pine marten and other spruce/fir species. They disagree with the EA conclusion that their spruce/fir habitat is "stable:"

"The continued presence of marten and other species in New Mexico appears to be tenuous, at best, due to extensive habitat degradation and loss which has occurred during recent decades, currently continues, and is forecast to become worse. Marten need to be upgraded from Threatened to Endangered. The habitat loss is from logging, thinning and mastication, "glading" in ski areas, climate change, and possibly increased fire in spruce-fir.

"In the Sangre de Cristo range, the best population of marten in NM occurs in the area of Taos Ski Valley (TSV). On the private lands there has recently been a significant amount of mastication of the mature and old growth spruce-fir forest (some of the best marten habitat) for development of a subdivision. On US Forest Service lands under permit to TSV, there has been extensive "glading" of prime marten habitat. "Glading" is a process of removing the dead and down logs, lower limbs and some trees from prime marten habitat to allow skiing through the trees. The process destroys marten habitat. Areas that have been "gladed" are no longer marten habitat but have become habitat for pocket gophers instead."