Data Submitted (UTC 11): 12/6/2024 3:16:37 PM
First name: Charles
Last name: Rafferty
Organization:
Title:
Comments: 12/6/2024

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

Objection Reviewing Officer,

The following objection is submitted on behalf of myself, Charles L. Rafferty.

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.
Charles L Rafferty
PO Box 2148, El Prado NM 87529
charlie.rafferty@gmail.com

3. Charles L. Rafferty 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.

5. Objector submitted timely, specific, and substantive comments during the Public Comment Period on 5/19/23 and during the scoping period 5/19/23. 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.

6. 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.

Objection:
I object to the finding of no significant impact specifically regarding the construction of new septic/sewage systems for the proposed new restaurant near the top of Lift 7 and the rebuilding of the Whistle Stop Cafe, and the lack of delineated alternatives in the EA regarding these projects.

I am writing to express my objection to the implementation of the projects proposed by TSVI in the TSVI SUP area as described in Draft Decision Notice 241029 for said projects
I am focusing my objection specifically on the lack of clear language in neither the EA nor the Draft Decision Notice regarding the treatment and disposal of sewage from both the proposed expansion of the Whistle Stop Café and the the proposed Lift 7 Restaurant. If a new septic system is to be built at either or both locations, given the rocky nature of the sites and fragile alpine environment, according to NEPA an Environmental Impact Assessment and EIS are required, yet were not included in the Final Draft Decision. The language in the EA is quite vague regarding this matter, speaking in broad generalities merely as to the possible locations of proposed septic systems, without including detailed determinations of necessary capacity for each facility, descriptions of design and engineering involved, materials to be used and most importantly a description of potential environmental impacts as well as descriptions of possible alternatives, including and alternative of no action to be taken.? If septic systems are deemed not viable and the sewage is to be transported to the existing sewage treatment facility, no determination has been made as to whether that facility can handle the increase in waste volume.

Resolution:??The Forest Service must conduct a full EIA to determine the feasibility of sewage treatment for these projects, with an EIS including complete descriptions of possible alternatives, including an alternative of No Action.? In addition to this, I also request that a full EIA be conducted and subsequent EIS including an alternative of No Action be made for the Gondola Project, as given it's scope, an EA would be insufficient according to NEPA. ?
Thank you for reading my objection and taking the necessary actions delineated therein.

Charles L. Rafferty - El Prado, NM

Prior Comment Submitted During Scoping Period:

Data Submitted (UTC 11): 5/6/2022 4:20:11 PM First name: Charles?Last name: Rafferty?Organization: Title:?Comments: Mr. Duran,
I am concerned that the proposed projects will have a negative effect on the Wheeler Peak Wilderness Area, the Columbine Hondo Wilderness Area, and the Carson National Forest. I am also concerned that the projects will impact the Rio Hondo by reducing its water quality and making less water available to downstream rural historic communities such as Valdez, Cañoncito and Arroyo Hondo.
Action Requested: Require TSV Inc. to detail concrete steps to be taken during all phases of the projects to protect the integrity of the headwaters of the Rio Hondo.
Action Requested: Require TSV to fund continuous monitoring of the Rio Hondo for water quality and volume. Based on a preliminary study and the advice of acknowledged experts, monitoring sites should be located at a number of places along the length of the Rio Hondo.
Action Requested: Conduct a study to enumerate the expected increases in visitor days in the Ski Valley and identify their impacts. That study must be conducted considering not only the proposed projects but all other projects proposed for the Ski Valley area whether they are public or private.

Many of the proposed projects require removing additional trees from the Rio Hondo Watershed. Taos Ski Valley (TSV) Inc. has already cleared a significant number of trees in the area, and it has plans to clear many more acres. The loss of trees is a significant contributor to the decline of forest health and an associated decline in nearby water quality and quantity.

Action Requested: Conduct a study of forest health that will quantify forest health and guide decisions about how many more trees can be removed from the area.

Gondola?The proposed route of the Gondola will be immediately adjacent to, and, at points, directly on the Lake Fork of the Rio Hondo. The Scoping Notice says that a corridor will be cleared of trees to allow passage of the gondola cabins. That clearing would be immediately adjacent to the Lake Fork of the Rio Hondo for most of its length and at some points right on the river itself. Among other effects, removing trees along the Lake Fork will increase silting and suspended particulate matter, destabilize banks and increase storm run-off. The end result will be decreased water quality and the destruction of irreplaceable riparian and wetland habitat.

A year-round gondola operating for most of the day and part of the night will discourage animals from visiting the irreplaceable water sources of the Lake Fork of the Rio Hondo and its associated wetlands. Those animal's eating, drinking and mating habits will be seriously affected by the year-round, 12+ hours-a-day noise, visual disturbance and increased presence of humans. In addition, the gondola infrastructure will be easily visible from areas with high scenic integrity, including areas of the adjacent Wilderness Areas.

Action Requested: Cancel the Gondola Project because it will have significant unavoidable harmful impacts

Water Tank and Booster Station?The Scoping Notice proposes a 5,000,000 gallon water tank near the base of Ski Lift #2. The Notice states "these projects will not increase the current water uptake from the Rio Hondo." If so, where will the initial 5 million gallons of water used to fill the tank come from? What waters will be used to replenish the tanks?

While TSV holds diversionary rights to 200 acre-feet of water those rights are severely constrained by their permit which allows only 21.42 acre feet to be consumed. Those rights are further limited by a hard cap of only 0.11 acre feet of daily consumptive use between April 11th and October 25th each year. Given these limitations on its water usage. Taos Ski Valley Inc. must demonstrate that it has sufficient water rights to support its proposed activities before it begins construction on a costly and permanent water system.

The Notice is silent on how the water will be used once it is pumped up the mountain. Does TSV Inc. have uses other than snowmaking in mind? If so, how will those uses be monitored? Without additional information on the source and usage of the water to be pumped up the mountain it is impossible to know if that diversion and usage is permitted.

Regardless of where the water comes from, sequestering five million gallons of water and frequently replenishing the tank will affect the already stressed Rio Hondo watershed and impact the amount of water available to downstream rural historic communities.

Action Requested: Delay the Water Tank and Booster Station Project until TSV Inc. provides more information on how the water will be used and until it can prove it has water rights to support those activities. Conduct a study to understand the effects of removing that water from the Rio Hondo Watershed including the water needed to replenish the tank on a regular basis.

Nordic and Snowshoe Trails?The proposed Nordic and Snowshoe Trails and Buildings would lie immediately uphill from the Rio Hondo. Just like the Gondola, that development will impact wildlife and water quality in the Rio Hondo. Clearing trees uphill from the river and placing building sites there will increase runoff thereby increasing silting and sedimentation in the Rio Hondo. Increased silt and sedimentation will negatively affect the beaver colonies and fish spawning areas downstream from the site and decrease water quality for the communities along the Rio Hondo.

Action Requested: Require TSV Inc. to develop a site specific plan to address the direct and indirect impacts of the Nordic and Snowshoe Trails center on beaver and fish habitat and overall water quality and quantity in the Rio Hondo with a focus on eliminating run-off and reducing silting, sedimentation and SPM in the Rio Hondo.

Lift Replacement?Completely replacing lifts #2 and #8 will require excavating the old lift towers, removing the debris, filling in the holes and then digging new holes for the replacement towers. While the lift cable and moving parts do wear out the tower has a much longer life span. The excavation work will disturb the soil, increasing runoff and erosion and potentially impacting the hydrology of the watershed.

Action Requested: Require TSV Inc. to reuse the existing towers

Restaurants?11,000 square feet of new development high on the mountain will disturb the soil, increase runoff and erosion and potentially impacting the hydrology of the watershed. It will also require additional infrastructure for utilities with similar impacts. The Ski Area has multiple restaurants close to the lifts and slopes, additional facilities are not needed.

Action Requested: Deny the request to build additional restaurants. Suggest refurbishing the existing Whistlestop facility if updated on-mountain dining is needed.

Overall, I am asking you to cancel some of these projects and take additional time to study the potential effects of the others in detail. In addition to the actions requested above I'm asking the Forest Service to conduct an Environmental Assessment and to also develop an Environmental Impact Statement for these projects. Thank you in advance for acting on my concerns.