

# **Decision Notice and Finding of No Significant Impact**

## **North America Ski Trails at Taos Ski Valley**

USDA Forest Service  
Carson National Forest, Questa Ranger District  
Taos County, New Mexico

### **Introduction**

Taos Ski Valley (TSV) is a downhill ski area located in the Sangre de Cristo Mountains, where the old Twining Mining District used to be. It is about 20 miles northeast of Taos, New Mexico, at the terminus of State Road 150, on the Rio Hondo, in Taos County (figure 1). About 90% of TSV is located within the Carson National Forest and is managed through a special use permit (SUP) issued to Taos Ski Valley, Inc. The SUP authorizes TSV, Inc. to use approximately 1,270 acres to construct, operate, and maintain a winter sports resort. [11]<sup>1</sup> The terms identified in the 1981 decision for the TSV Master Development Plan limits skiers per day to 4,800. [3]

The project area is the “North America” area, about 109 acres on the northeast corner of the permit area, between Al’s Run and Longhorn ski trails, and is bounded at the lower end by Rubezahl Trail, also known as, “The Return Trail” (figure 2). The lower 38 acres of the project area are on private land belonging to TSV, Inc. (figure 2). The environmental assessment (EA) documents the analysis of three alternatives to address the specific ecological, social, and economic needs of the area. The EA is available for review at the Questa Ranger District, Questa, New Mexico.

### **Decision**

I have reviewed the Carson National Forest Land and Resource Management Plan [6], and the North America Trails at Taos Ski Valley Environmental Assessment. [65] Based on my review and the examination of all alternatives, I have decided to implement alternative 2, the proposed action. My decision will authorize Taos Ski Valley, Inc. to thin an approximate 2,800 foot long by 290 foot wide area (~19 acres) for glade skiing and clear a 3,100 foot long by 110 foot wide (~8 acres) parallel trail for more open skiing (figure 3). These trails will be in the area known as “North America,” between Longhorn and Al’s Run. This decision does not include any snowmaking. The lower 3 acres of the gladed run will be on private land.

Within the gladed run, thinning would not occur evenly. Instead, trees and clumps of trees would be thinned to an average spacing of 20-60 feet, to create ski lines running down the

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<sup>1</sup> Source documents from the project record are incorporated by reference in this decision by showing the document number in brackets [#]. An index to the project record is included with this decision.

slope. Within these lines, most trees smaller than 7 inches would be removed and most trees larger than 15 inches would be retained. For safety, all existing hazard trees would be removed from the gladed run (after consultation with the Forest Service). Trees that have high potential to fall, due to lean angle, exposed roots or broken crowns are considered hazard trees. The remaining areas within the gladed run would not be thinned.

The activities will be implemented over a 4 to 5 year period. The following mitigation measures (which incorporate best management practices) will be applied during and after implementation to protect natural resource values.

This decision is consistent with the National Forest Management Act. I have considered the best available science in making this decision. The project record demonstrates a thorough review of relevant scientific information including specialist reports [54-64], site visit information [16, 17, 18, 23] consideration of responsible opposing views, and, where appropriate, the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk.

### **Mitigation**

In addition to requiring project implementation to follow forest plan standards and guidelines, the Southwestern Region's Soil and Water Conservation Practices Handbook of best management practices (BMP's) for watershed management, evaluation and opinions from the U.S. Fish and Wildlife Service, and any other Forest Service policies that apply, mitigation measures will be included to address significant issues:

#### **Soils**

- Prohibit use of mechanical equipment (ie: heavy equipment such as dozers, backhoes) to minimize surface disturbance.
- Prohibit any road construction.
- Keep slash piles less than 15 feet in diameter and 6 feet high.
- Maintain existing organic cover during thinning and slash treatment.
- Replace any disturbance to existing organic cover with slash.
- Buck Engelmann spruce trees less than 5 inches in diameter into less than 3 foot lengths and scatter without contact to help stabilize soils. Larger Engelmann must be treated differently, as specified for Significant Issue #5, below.
- Inoculate any burned pile where organic layer is consumed with material from adjacent undisturbed organic layer.

#### **Wildlife Habitat<sup>2</sup>**

- In gladed runs, retain standing dead and down trees greater than 8 inches in diameter, within a 30 foot radius around any spring, if there is not a potential hazard to skiers.

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<sup>2</sup> Particularly red squirrel and black bear habitat

- Prior to implementation, survey the area for red squirrel activity and identify red squirrel middens. In gladed runs, protect red squirrel middens by not removing trees within a 25 foot radius and retaining large diameter, dead and downed logs within a 50 foot radius, if there is not a potential hazard to skiers. During the design phase of the cleared run in alternative 2, avoid red squirrel middens, if possible.
- In the gladed runs, where there are clumps of aspen, retain aspen snags greater than 10 inches in diameter, if there is not a potential hazard to skiers.
- In the gladed runs, retain 3 snags (greater than 10” in diameter) per acre, if there is not a potential hazard to skiers.
- In the gladed runs, retain down logs, if there is not a potential hazard to skiers.
- In the gladed runs, retain low-lying branches on remaining trees to provide protective habitat for marten prey species.
- Begin work on the trails after June 1 of each year. This will eliminate effects of tree felling and removal on potential black bear maternity sites.
- In the gladed runs, retain low-lying branches on remaining trees to provide protective habitat for marten prey species.
- Move any existing existing dead and down large diameter coarse woody debris that is a safety issue to the edges of the runs.

### **Visual Resources**

- The cleared ski run will be designed with irregular edges and widths to help retain the natural appearance of the landscape when viewed from across the valley.

### **Forest Health**

Maintain the health of the remaining trees and avoid attracting insects and disease to the adjacent forest by applying the following mitigation measures:

- When determining what trees to leave in gladed runs, choose aspen over conifers; choose Douglas-fir over Engelmann spruce; and choose Engelmann spruce over subalpine (corkbark fir). Aspen and Douglas-fir trees are more wind-firm. Douglas-fir and Engelmann spruce are longer lived trees than subalpine fir.
- Choose to remove unhealthy trees with fading crowns. Removing spruce budworm weakened trees and retaining healthier trees will improve forest health.
- Remove from the area cut Engelmann spruce trees greater than 5 inches in diameter, and/or burn Engelmann spruce trees greater than 5 inches in diameter, within 18 months of cutting. This will help prevent the creation of spruce beetle habitat in slash.
- To maintain the health of the remaining trees, practices will be used to avoid attracting insects and disease. Since catastrophic fire can affect many resources, limits for fuel loading will be applied to slash production

## **Water Resources**

Most of the springs and the associated intermittent stream are within the area between the two trails. There are no springs in the proposed open run. If springs cannot be avoided within the gladed run, measures are included to protect water resources, while providing openings for skiers. These mitigation measures apply to any cutting within 30 feet on each side of stream or spring channels (also referred to as “streamside management zone”) or any isolated springs in gladed runs:

- Enhance existing deciduous species by thinning conifers less than 5 inches in diameter.
- Remove all hazard trees.
- Prohibit slash piles or burning within the streamside management zone.
- Retain downed, dead conifers within riparian zone not to exceed 10 tons/acre.
- Lay felled conifers across the riparian zone at 20-45 degrees to the stream channel.
- If springs are found within the gladed run, buffer zones and other measures are included to protect water quantity and quality, while providing openings for skier safety.

## **Air Resources**

The following measures will be included to protect air quality when cutting trees and disposing of cut trees:

- Obtain New Mexico Environmental Department Air Quality Bureau permit for any slash disposed through burning.
- Comply with air quality standards in the Clean Air Act and the Wilderness Act when burning.
- Monitor success with data from the existing air quality station.
- Monitor slash density and do not leave more than 40 tons/acre fuels on the ground at one time, to prevent increasing fuel loads that could support a wildfire. Felled trees will either be piled and burned or removed to the edge of the project area.

## **Monitoring**

The following monitoring will apply to this decision. This section has been organized to provide answers to the following questions:

- 1) Effects of pile burning on the forest floor: Was the forest floor burned or scorched by this activity? Is there an understanding by TSV regarding the required mitigation of inoculation with surface soil from surround areas? Did the mitigation of "inoculation" get implemented? What was the result?
- 2) Effects of SMZ designation for spring/seeps and intermittent stream channel in gladed run(s): Were SMZ's identified and marked on the ground? Is there an understanding on

TSV's part regarding the required mitigation to minimize activities in these zones? Did slash disposal occur within SMZ? Were SMZ effective in mitigating effects to water quality?

- 3) Monitoring of vegetative response to thinning and clearing of forest vegetation in run areas: Did the implementation of these activities occur over the anticipated timeframe of 4 to 5 years? What was the vegetative response to the thinning or clearing of forest vegetation in these runs (glade vs. open)? Did understory vegetation respond with increased density? What compositional changes occurred?

### **Rationale for the Decision**

Alternative 2, the proposed action, was developed by comparing the purpose and need for the project with the desired conditions and management direction provided in the Carson National Forest Land Management Plan (hereby, forest plan). Alternative 2 best meets the purpose of and need for action because it adds 27 acres of distinct, new skiing terrain that helps address a market preference for challenging terrain. It also addresses skier safety by adding terrain that does not feed into the White Feather Trail. This will allow some of the expert skiers to take alternative routes to the base ski area. In reviewing the EA, I concluded that in comparing the effects between alternatives 2 and 3 on wildlife, soil, water resources, the differences are small and that alternative 2 would better meet the purpose and need.

I find that with mitigation and best management practices, the significant issues noted above are addressed and potential impacts are minimized. Soil productivity is maintained because: 1) the thinning required to create gladed run conditions will occur gradually over a 4 to 5 year timeframe; 2) as this thinning occurs the existing understory vegetation will increase in vigor and density in the thinned areas; 3) the use of hand thinning methods and slash disposal will allow existing vegetation groundcover to be left intact; and 4) the lack of any needed roads and skid trails for slash disposal eliminates the possibility of soil compaction, minimizes the loss or displacement of protective groundcover, and eliminates the potential change in infiltration characteristics of the surface soil layer often associated with the use of heavy machinery and road construction. [EA, p. 22, #65, Soils and Watershed Report, #59]

Impacts to wildlife species and habitat are minimized to the extent possible. The American marten and boreal owl (Forest Service sensitive species) prey base are primarily red squirrel and snowshoe hare for the marten and the red backed vole for the owl. The gladed run (~ 19 ac.) will retain islands of uncut trees and the associated course woody debris (CWD) which is used as cover for snowshoe hares and red backed voles. The gladed run will also retain conifers for cone crop for red squirrels. By retaining the low lying branches in the gladed run (a mitigation measure), prey base species (snowshoe hare) hiding cover will be retained and some hiding cover for foraging martens will be retained. The cleared ski run (~8 acres) will remove red squirrel nesting and foraging habitat (by conifer removal). The irregular boundary of the cleared ski run will minimize the loss of red squirrel midden sites. Retention and relocation of existing dead and down CWD to the edges of the ski runs will help to retain red squirrel hiding cover; however red squirrel

habitat exists throughout the Rio Hondo Canyon and studies on the Carson National Forest show populations are stable. There would be no significant effects on red squirrel habitat or its populations from this decision.

As a result of this decision, individual American martens may be displaced from within the permit boundary. Overall marten populations, however, are not likely to be significantly impacted or result in local extinctions (even if all marten habitat in the existing ski area boundary becomes unsuitable). The same is true for boreal owl populations and habitat. This is due to an abundance of unaltered marten and boreal owl habitat found surrounding the existing SUP boundary in the spruce- fir habitat type of upper Lake Fork Creek, the South Fork of Arroyo Hondo, Long Canyon, and Gavilan Canyon. These areas are protected from most human-induced alterations by being within the Wheeler Peak Wilderness Area and the Columbine-Hondo Wilderness Study Area. These areas act as refugia for the continuation of both boreal owl and American marten populations. [EA, pp. 55-56, #65, Wildlife Report, #60] This decision will not lead any Forest Service sensitive species towards Federal listing. [EA, pp. 41-49, 53-56, #65, Biological Evaluation, #61]

During public scoping, two people raised concerns that the proposed action may negatively affect black bear maternity sites. The effects analysis in the EA determined that the impact of alternative 2 to denning habitat is small, since the spruce-fir zone only plays a minor role in black bear denning (Costello et al. 2001). Very few trees within the project area are greater than 50 centimeters (needed for denning) and there is abundant suitable denning habitat adjacent the project area elsewhere in the Wheeler Peak Wilderness Area. [EA, p. 49, #65, Wildlife Report, #60]

I find that this decision will not affect the “Retention” Visual Quality Objective. The cleared ski run will be designed with irregular edges and widths to help retain the natural appearance of the landscape when viewed from across the valley. It will have the visual characteristics of avalanche paths which are common throughout the surrounding terrain. Within the gladed run, thinning would not occur evenly. Instead, trees and clumps of trees would be thinned to an average spacing of 20 to 60 feet, to create ski lines running down the slope. From the Wheeler Peak Trail, both runs will appear natural. [EA, pp. 58-60, #65, Visuals Report, #58]

Forest health with regards to insect and disease was a significant issue. I find that there will be improved tree health and vigor in the residual trees within the gladed run due to reduced stand densities. This decreases competition for resources (sunlight, nutrients, water) between trees. Increased tree vigor will allow the remaining trees the ability to repel bark beetle attacks more successfully (Halooin 2003). The removal of slash greater than 8 inches in diameter (Ag Handbook 659) and/or burning will also assist in reducing the potential for spruce beetle population buildup. In the cleared run, that portion of the stand will be maintained as a grassy opening. With proper slash treatment there will no effects to forest health in terms of western spruce budworm, western balsam beetle, and the spruce beetle. [EA, pp. 31-32, #65, Vegetation Report, #62]

With the use of streamside management zones (SMZ), water quality and riparian and wetlands health will be maintained. The streamside management zones will protect riparian, aquatic and water resources by limiting the level of disturbance in order to

maintain shade and surface cover conditions. Implementation of project thinning and slash disposal will occur while providing for the protection and enhancement of water quality as well as maintaining conditions that allow for wildlife use. The SMZ zones will provide a vegetation buffer to protect surface water resources by filtering sediment and enhance or maintain the capture, storage and release of surface and shallow groundwater flows. There are 9 springs within the project area. Seven of the nine mapped spring locations are situated within the “leave strip” that separates the two ski runs. No activity is planned here.

The remaining two springs are within the gladed run area. Designation and maintenance of the SMZ around these two spring areas will provide for selective thinning of smaller trees while retaining the larger trees for cover and shade. Increased sunlight in the understory should allow shrubs and other understory vegetation to expand and flourish, quickly restoring any canopy lost by tree thinning. This will maintain shade while creating vegetation conditions that allow the area to be used as a gladed trail. [EA, pp. 20-29, #65, Soils and Watershed Report, #59]

The effects of activities on air quality were a significant issue. The type of open burning needed for slash disposal is regulated by State of NM Air Quality Bureau standards (20 NMAC 2.6.0). All burning will be in compliance with State standards. Burning will typically occur when ventilation conditions allow for adequate dispersal of generated smoke. No adverse effects to air quality are expected. Short-term air quality effects to the Village of Taos Ski Valley would only be expected to occur if pile burning occurred during the colder months when an inversion layer was present. [EA, pp. 29-30, #65, Soils, Watershed and Air Report, #59]

### **Alternatives Considered**

Besides alternative 2, two other alternatives were analyzed. They included the no action alternative (alternative 1) and another action alternative (alternative 3) that was developed to respond to significant issue #8, “While some of the mitigation measures will help to protect soils and wildlife (especially black bear) habitat, making both trails gladed runs may reduce overall impacts more effectively.”[Chapter 2, significant issues] The following three alternatives were considered but dropped from analysis 1) an aspen regeneration alternative 2) an alternative that would reclaim riparian area 3) an alternative that would retain all snags and large diameter downed trees.

### **Alternative 1, No Action**

This alternative is the “no action” alternative and is required by the Council on Environmental Quality for the implementation of NEPA (40 CFR Part 1502.14d). The no action alternative is the point of reference for evaluating action alternatives. Under this alternative, no new trails would be constructed in the North America area of Taos Ski Valley. This alternative would not address the purpose and need of the proposed action or implement a portion of the ski area’s master development plan.

### **Alternative 3, Gladed Runs**

As noted above, this alternative addresses significant issue #8. Within both gladed runs, thinning would not occur evenly. Instead, trees and clumps of trees would be thinned to an average spacing of 20 to 60 feet, to create ski lines running down the slope. Within these lines, most trees smaller than 7 inches would be removed and most trees larger than 15 inches would be retained. For safety, all existing hazard trees would be removed from the runs. Trees that have high potential to fall, due to lean angle, exposed roots, or broken crowns are considered hazard trees. The remaining areas within the gladed runs would not be thinned. This alternative does not include any snowmaking facilities.

Work on both gladed trails would be performed by hand with TSV, Inc. personnel and would be accomplished gradually, over four to five years, beginning with thinning in both runs. No heavy equipment would be used. Felled trees would either be piled and burned or removed to the edge of the analysis area.

### **Public Involvement**

The proposed action has been listed in the quarterly Carson National Forest NEPA Schedule of Proposed Actions since July 2005. [13] The SOPA can be found on the Carson National Forest's website – [www.fed.us/r3/carson/](http://www.fed.us/r3/carson/) (select "Project and Plans").

In September 2006, a letter seeking public comment was mailed to 30 individuals, groups, and government agencies with information on the proposed project. [25, 26] Six letters responding to the proposal were received. [27-31, 33, 34, 37] The range of comments included concerns on the effects to old growth, removing trees at high elevations, visual quality, Native American sacred areas, riparian and natural spring areas, water quality and flow, wildlife (including, management indicator species), soils, and downstream villages. Consideration of scoping comments is included in the project record. [53]

Consultation with Taos Pueblo began in October 2005, with contact between the Questa District Ranger and War Chief's Office, followed by an October 11, 2005 on site visit to discuss and resolve concerns about affects to water quality. On September 29, 2006, a scoping letter was mailed to 36 representatives of 17 Native American tribes and pueblos. [25, 26] With the exception of a response from the Jicarilla Apache Nation stating they have no objection, but would like to be notified immediately in the event of an inadvertent discovery of human remains, no additional comments have been received to date.

The Forest Service appeal regulations at 36 CFR 215 requires a 30-day notice of comment period for a proposed action before a Forest Service decision can be made on an EA. A description of the proposed action was mailed to 28 individuals, groups, and government agencies on April 17, 2007. [41] A legal notice of the opportunity to comment on the proposed action was published in *The Taos News* on May 10, 2007. [45]

Five comment letters were received. [42-44, 46-47, 49] A content analysis was conducted on the comment letters and can be found in the project record. [53] Eight significant issues

were identified during scoping and the 30-day comment period. Mitigation measures, best management practices, and a third alternative were included or developed to respond to the issues.

### **Finding of No Significant Impact**

Based on the interdisciplinary environmental analysis, review of the National Environmental Policy Act (NEPA) criteria for significant effects, and my knowledge of the expected impacts, I have determined that this action does not pose a substantial question of significant effect upon the quality of the human environment. Therefore, an environmental impact statement is not needed. This determination is based on the following factors:

- 1) **Context** – The physical and biological effects of the proposed actions and alternatives described in the environmental assessment are site-specific actions limited to this analysis area. The significance of the proposed action is evaluated within the context of the Questa Ranger District and Taos County.
- 2) **Intensity** – The severity of the environmental effects of the proposed projects, considered alone or cumulatively with others, was tested against ten criteria listed in 40 CFR 1508.27.

#### **1. Impacts that may be both beneficial and adverse**

Both beneficial and adverse effects (and their significance) were discussed for the alternatives considered in detail. Effects were lessened or eliminated through alternative design and mitigation measures. [EA, pp. 7-11, #65] With the application of these measures, there are no adverse effects. There will be beneficial effects from this decision. However, this did not bias my finding of no significant environmental effects. The anticipated environmental effects and their intensity have been disclosed for each alternative in chapter 3 of the EA. [EA, pp.17-67] Beneficial impacts were not used to minimize the severity of any impact. The proposed uses of National Forest System lands will not result in any known significant irreversible resource commitments or a significant irreversible loss of soil productivity [EA, pp. 20-22, 28-29, #65, Soils and Watershed Report, #59], water quality [EA pp. 21-28, #65, Soils and Watershed Report, #59], wildlife habitats [EA pp. 40-56, #65, Biological Evaluation, #61], heritage resources [EA pp.66-67 , #54], or recreational opportunities [EA pp.56-58 , #65, Recreation Report, #64].

#### **2. The degree to which the proposed action affects public health or safety**

This decision reduces public health and safety issues related to having congestion on the main run used to access the base area from all the trails on the front side of the mountain. Presently, most of the expert runs terminate into White Feather on the front side of the mountain, creating congestion and a mix of expert and novice skiers. Adding more expert terrain on the back side will relieve this congestion. TSV has been in operation since 1956 and there have been similar proposals implemented in the past. [EA, p. 32, #65, Vegetation Report #62] There is a high degree of site-specific

knowledge on the implementation of projects designed to enhance skier safety. [EA pp. 56-57, Recreation Report, #64] This decision does not involve national defense or security.

**3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas**

There are no unique characteristics of the geographical area that will be significantly affected by my decision. There are no effects to prime farmlands because the project is within the established ski area boundary. There are no FEMA designated floodplains within the project area because the project area is at an elevation that ranges from 9,500 to 11,000 feet in elevation. In addition, this portion of the Carson National Forest is an unstudied area (FEMA FIRM maps, 1989, Taos County, NM, Map Index 350078-0275-C, & Panels 275 of 650). [59] The project is not within any designated wilderness or wilderness study area, and will not affect wilderness character. [64] There are no designated or eligible wild and scenic rivers in the project area and the decision will not have an effect on any wild and scenic rivers or any river's eligibility. [64]

**4. The degree to which the effects on the quality of the human environment are likely to be highly controversial**

Because the decision incorporates mitigation and best management practices to minimize resource concerns, the activities associated with this decision will not significantly affect the quality of the human environment, and the effects are unlikely to be highly controversial in a scientific sense. [EA, pp. 17-68] No evidence has been presented that raises substantial questions as to the correctness of the environmental consequences that have been estimated. I have considered the best available science in making this decision. The project record demonstrates a thorough review of relevant scientific information including specialist reports [54, 64], site visit information [16, 17, 18, 23] consideration of responsible opposing views, and, where appropriate, the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk.

The effects on the human environment are not likely to be highly controversial based on the involvement of forest resource specialists, other agencies, and the public. Six letters were received in response to the September 2006 scoping period. [27-30, 33, 37] and five comment letters were received in response to the May 2007 30-day comment period. [42-44, 46-47, 49] Eight significant issues were identified and a combination of mitigation measures, best management practices, and the development of alternative 3 were used to address these issues. [EA, pp. 8-9] After reviewing the project record and EA, I am confident the interdisciplinary team reviewed the comments/concerns and incorporated them into alternatives or addressed them in the appropriate resource section. [53] It is my judgment that there is no unusual or high degree of controversy related to this project.

**5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks**

This decision has no known effects on the human environment that are highly uncertain or involve unique or unknown risks. All of the effects of the selected alternative are similar to those taken into consideration and disclosed in the Carson Forest Plan's final environmental impact statement chapters 2 and 4. [#7, pp. II-86-122 & IV-1-85] In addition, the decision is in alignment with the Taos Ski Valley Master Development Plan, which was fully analyzed and approved by the Carson National Forest in 1981. [2, 3]

**6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration**

This decision does not represent a precedent for future actions with significant effects or represent a decision in principle about a future consideration. The ski area was established in 1956 and there have been past similar proposals for ski run development. [EA, pp. 32, #65] The environmental assessment is site-specific to the established ski area and its actions incorporate those practices envisioned in the forest plan and are within forest plan standards and guidelines. [6] In addition, the decision is in alignment with the TSV Master Development Plan which was fully analyzed and approved by the forest in 1981. [2, 3]

**7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts**

For all resources there are no significant cumulative effects of this decision along with other past, present, or reasonably foreseeable actions implemented or planned in the area. While there will be some impacts to boreal owl and American marten (Forest Service sensitive species) prey base species, such as disturbance and displacement, the activities associated with this decision will not lead to the Federal listing of any sensitive species. [EA pp. 53-56, #65, Biological Evaluation, pp. 26-27, #61] The EA describes the anticipated cumulative effects for each of the affected resource sections. [EA, pp. 28-29, 30, 32-35, 39, 53-56, 57, 59-60, 65, 67, #65] After reviewing the EA, I am satisfied the direct and indirect effects of my decision, along with the effects of other past, present, and reasonably foreseeable activities, will have no significant cumulative effects. Regarding heritage resources, an archaeological clearance signed February 15, 2008 documents that the New Mexico State Historic Preservation Officer concurred that the addition of 27 acres of ski runs within the established ski area boundary would have "no effect" on heritage resources. [EA, pp. 66, #54]

**8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources**

The archaeological clearance and the inventory standards and accounting form for the analysis area were signed February 15, 2008. The NMSHPO concurred that the addition of 27 acres of ski runs within the established ski area boundary would have

“no effect” on heritage resources. Survey, site recordings, historical background, and information on site conditions within the ski area are found in Carson Forest Report HRR# 1981-02-023-F and the accompanying site forms. [54]

**9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973**

None of the four federally listed species, Mexican spotted owl (*Strix occidentalis lucida*), bald eagle (*Haliaeetus leucocephalus*), southwestern willow flycatcher (*Empidonax traillii extimus*), and black-footed ferret (*Mustela nigripes*), warranted further analysis due to the absence of habitat for these species in and adjacent the analysis area. The analysis area is outside all designated critical habitat units for Mexican spotted owl and for the southwestern willow flycatcher. [EA, pp. 40, #65, Biological Assessment, #61] Therefore, this decision will have no effect on endangered or threatened species or their habitats.

**10. Whether the action threatens a violation of Federal, State or local law or requirements imposed for the protection of the environment**

Implementation of the selected alternative or any of the action alternatives considered in detail will not violate any Federal, State, or local law or requirements imposed for the protection of the environment including:

**Clean Water Act** is met because seven of project area’s nine spring’s area will not be affected by project activities. They are located within the “leave strip” that separates the two ski runs and no activity is planned here. Streamside management zones will be applied to the remaining 2 springs and will protect riparian, aquatic and water resources by limiting the level of disturbance in order to maintain shade and surface cover conditions. With regard to nutrient export and its affect on water quality, with no change in land cover type with the implementation of the gladed ski trail, no change in nutrient export will result. Therefore, there will be no measurable impact to water quality. The effect of forest canopy removal on nutrient export in the open run will result in a change in nitrogen and phosphorous export. The increase in Total Phosphorous load on an annual basis will be approximately 0.35 percent per year. There will be a decrease in Total Nitrogen load equal to would be approximately -0.42 percent per year. The expected nutrient loading will not measurably impact water quality. [EA, pp. 24-25, 28-29, #65, Soils and Watershed report, #59].

**Clean Air Act, as amended in 1977** is met because all burning will be in compliance with State of New Mexico Air Quality standards. [EA p.29-30, #65]

**Endangered Species Act of 1973, as amended** is met – see factor #8 [EA, p.40, #65, #60, #61]

**Executive Order 11990 of May, 1977 [Wetlands]** is met because the streamside management zones will protect riparian, aquatic and water resources by limiting the level of disturbance in order to maintain shade and surface cover conditions.

Implementation of project thinning and slash disposal will occur while providing for the protection and enhancement of water quality as well as maintaining conditions that allow for wildlife use. The SMZ zones will provide a vegetative buffer to protect surface water resources by filtering sediment and enhance or maintain the capture, storage and release of surface and shallow groundwater flows. Designation and maintenance of the SMZ around two spring areas will maintain shade while creating vegetation conditions that allow the area to be used as a gladed run. [EA, pp. 20-29, #65]

**Executive Order 11988 of May, 1977 [Floodplains]** is met. There are no FEMA designated floodplains within the project area because the project area is at an elevation that ranges from 9,500 to 11,000 feet. In addition, this portion of the Carson National Forest is an unstudied area (FEMA FIRM maps, 1989, Taos County, NM, Map Index 350078-0275-C, & Panels 275 of 650). [59]

**Executive Order 12898 of February, 1994 [Environmental Justice]** is met because communities in the study area would not fall under the children populations identified in the Environmental Justice Executive Order 13045. Therefore the environmental health risks and safety risks noted in this Executive order will continue at the same level or be reduced through implementation of the decision. [EA, p. 65, #65, Social and Economics Report, #55]

**Executive Order 13443 of August 16, 2007** is met because the decision will not affect the population trends or habitat trends for elk. Elk are habitat generalists and can readily use both gladed and cleared ski runs. The decision will result in no net increase in available habitat since they are presently known to use the area (although use appears to presently be infrequent). [EA, pp. 51, #65, Wildlife Report, #60] There is no effect to bighorn sheep because habitat is near by but not within the project area. [Wildlife Report, #60]

**Executive Order 13175 of November 9, 2000 and American Indian Religious Freedom Act** is met because consultation with Taos Pueblo began in October 2005, with contact between the Questa District Ranger and War Chief's Office, followed by an October 11, 2005 on site visit to discuss and resolve concerns about affects to water quality. On September 29, 2006, a scoping letter was mailed to 36 representatives of 17 Native American tribes and pueblos. [25, 26] With the exception of a response from the Jicarilla Apache Nation stating they have no objection, but would like to be notified immediately in the event of an inadvertent discovery of human remains.

### **Finding of Consistency with Other Laws – (see significance factor 10)**

This decision is consistent with the National Forest Management Act (NFMA) and the Carson Forest Plan. [6] No impacts are expected on wilderness, [64] designated critical habitat [60, 61], or farmlands. This action does not pose any unusual risks to public health and safety [64] and there are no known significant effects on civil rights, women, or minorities. [56] I believe this decision will enhance the natural and social environments in and surrounding the Carson National Forest and is fully consistent with the Carson Forest

Plan. This decision will not have an adverse effect upon subsistence resources and opportunities. [64]

## **Forest Service Administrative Review or Appeal Opportunities**

### **Opportunities under 36 CFR 215**

This decision is subject to appeal pursuant to regulations at 36 CFR 215. Individuals or organizations who provided comment or otherwise expressed interest in the proposed action during the 30-day comment period may appeal. Interest expressed or comments provided on this project prior to or after the close of the comment period do not have standing for appeal purposes. The appeal must be filed (regular mail, fax, email, hand-delivery, express delivery, or messenger service) with the appropriate appeal deciding officer.

An appeal of this decision must be submitted to: Regional Forester, Appeal Deciding Officer, 333 Broadway Southeast, Albuquerque, NM, 87102. Fax number: (505) 842-3110. If hand delivered, the appeal must be received at the above address during business hours (Monday - Friday 8:00 am to 4:30 pm), excluding holidays. Electronic appeals may be submitted to: [appeals-southwestern@fs.fed.us](mailto:appeals-southwestern@fs.fed.us) (.doc, .rtf, .pdf, or .txt formats only). The appeal must have an identifiable name attached or verification of identity will be required. Names and addresses of appellants will become part of the public record. A scanned signature may serve as verification on electronic appeals.

Appeals, including attachments, must be in writing, fully consistent with 36 CFR 215.14, and filed (postmarked) within 45 days following the date the notice of this decision is published in *The Taos News*. This publication date is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframes provided by any other source.

### **Opportunities under 36 CFR 251**

Decisions related to the issuance, denial, or administration of written instruments to occupy and use National Forest System lands may be appealed by permit holders under 36 CFR 251. A Notice of Appeal must be consistent with 36 CFR 251.90 and **filed simultaneously** with the Regional Forester (Appeal Reviewing Officer) and Carson Forest Supervisor (Deciding Officer) within 45 days from the date of this decision. 36 CFR 251 appeals should be sent to:

Regional Forester  
Appeal Deciding Officer  
333 Broadway Southeast  
Albuquerque, NM 87102  
FAX: (505) 842-3110  
Email: [appeals-southwestern@fs.fed.us](mailto:appeals-southwestern@fs.fed.us)

and

*North America Trail Decision*

Carson Forest Supervisor  
Deciding Officer for North America Trails at Taos Ski Valley  
208 Cruz Alta Road  
Taos, NM 87571  
FAX: (575) 758-6213  
Email: appeals-carson@fs.fed.us

A permit holder may appeal the decision under 36 CFR 215 or 36 CFR 251, but not both. Appeals may be filed electronically, as described above under the 36 CFR 215 process.

The deciding officer is willing to meet with permit applicants or holders to hear and discuss any concerns or issues related to this decision.

**Implementation**

If no 36 CFR 215 appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15<sup>th</sup> business day following the date of the last appeal disposition.

This decision may be implemented during a 36 CFR 251 appeal, unless the Reviewing Officer grants a stay under 251.91.

**Information**

For additional information, contact District Ranger Genevieve Masters at the Questa Ranger District, at the address listed above, or by phone at (575) 586-0520.

\_\_\_\_\_/s/ Erin Connelly\_\_\_\_\_

ERIN CONNELLY  
Acting Forest Supervisor

\_\_\_\_\_ May 30, 2008 \_\_\_\_\_

Date

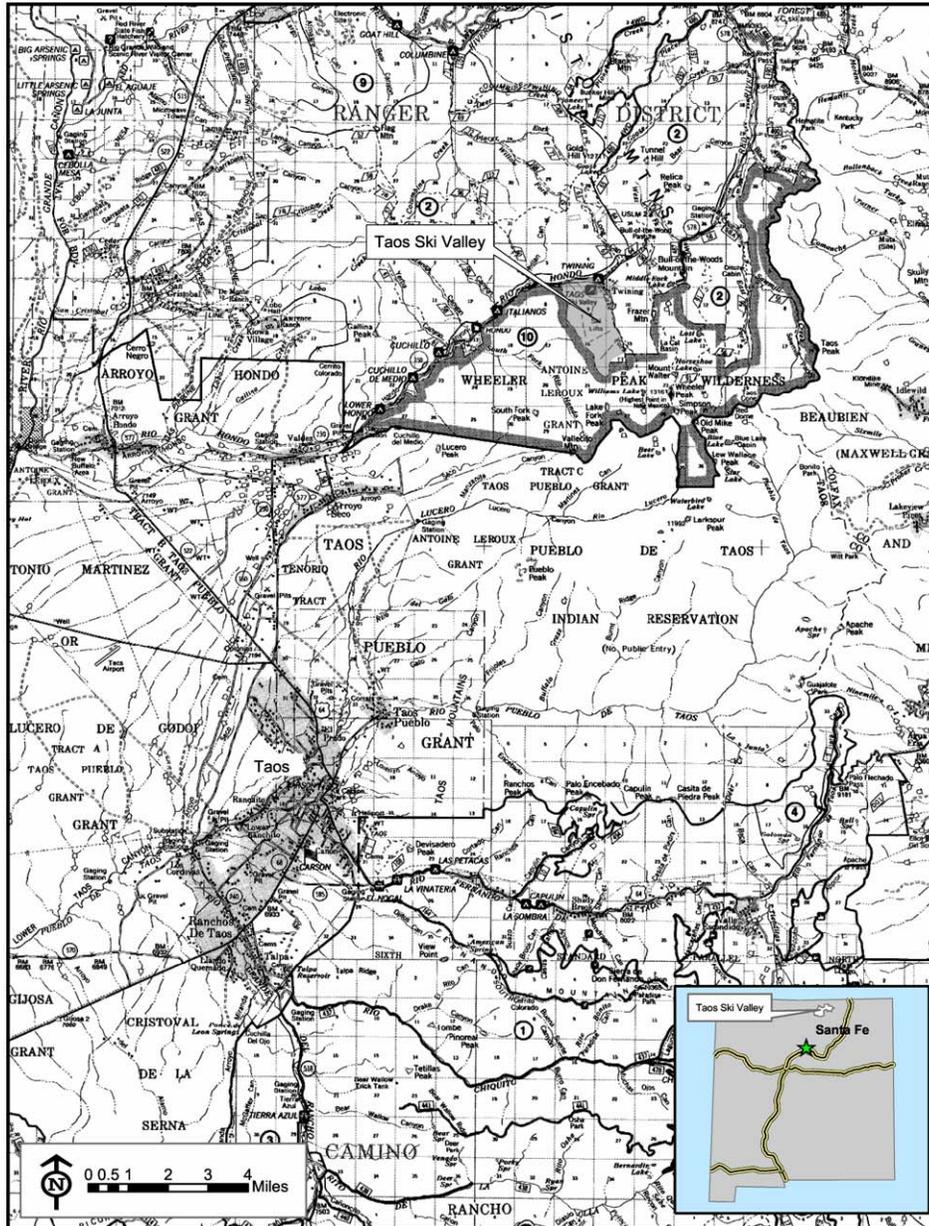


Figure 1. Location map for the North America Trails, Taos Ski Valley

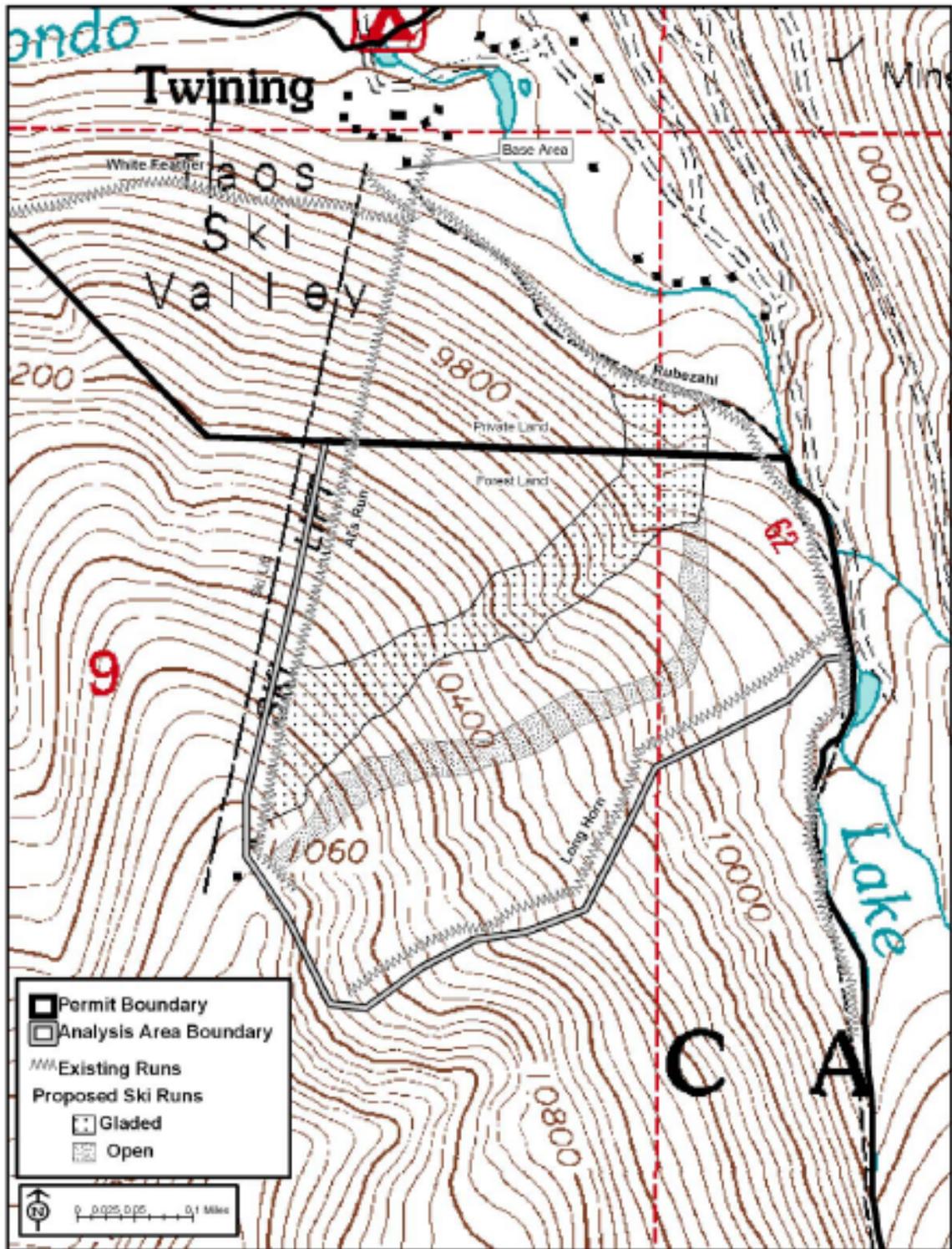


Figure 2. Selected Alternative (Proposed Action)

Figure 3. Alternative 3

