

**VALLES CALDERA TRUST  
TRIBAL ACCESS AND USE POLICY**

Approved May 14, 2004

**PURPOSE**

This Tribal Access and Use Policy describes the Valles Caldera Trust's policy and process for Tribal access within the Valles Caldera National Preserve for religious and cultural uses consistent with the American Indian Religious Freedom Act and other applicable statutes. The primary purpose of this policy is to provide Pueblos and Indian tribes that have a cultural affiliation to the Preserve to have access to the Preserve and to allow those Pueblos and Indian tribes use of the lands within the Preserve for cultural and religious practices. A tribe or pueblo is considered to be culturally affiliated with the Preserve if it has historically exercised cultural and religious practices or has maintained religious or cultural sites within the lands of the Preserve

**LEGAL AUTHORITY**

The Valles Caldera Preservation Act (P.L. 106-248, codified at 16 U.S.C. §§ 698v through 698v-10) established the Valles Caldera Trust (hereinafter Trust), a wholly owned government corporation to manage the land and resources of the Preserve consistent with the purposes of the Act.

The Trust is empowered under Section 106(b)(4) of the Act: *"to cooperate with Federal, State, & local governmental units and with Indian tribes and Pueblos, to further the purposes for which the Preserve was established."*

Section 108 (f)(5) states that: *"The Trust is authorized and directed to cooperate and consult with Indian tribes and Pueblos on management policies and practices for the Preserve which may affect them. The Trust is authorized to allow the use of lands within the Preserve for religious and cultural uses by Native Americans and, in so doing, may set aside places and times of exclusive use consistent with the American Indian Religious Freedom Act (42 U.S.C. 1966 (note)) and other applicable statutes."*

**GUIDING POLICIES**

The Trust establishes the following policies to provide access for culturally affiliated Pueblos and Indian tribes for religious and cultural uses of lands within the Preserve.

**PART I: ACCESS**

1. All requests for entry into the Preserve for religious and cultural use must come through the Governor's office or executive branch of a Pueblo or Indian tribe.
2. Two weeks prior to the scheduled entry, the Pueblo or Indian tribe shall notify the Valles Caldera Trust Preserve Manager (or his designee) of the intent of one or more of its

members to enter the Preserve. In cases where the requested entry is for a single day and involves a small group (as determined by the Preserve Manager), the Preserve Manager shall have the discretion to waive the two week notification period, provided that notification is given by the Pueblo or Indian tribe and the entry is authorized by the Preserve Manager (or his designee) prior to entry.

3. The notification provided to the Preserve Manager (or his designee) shall include information of the proposed date of entry, expected date of departure, the maximum number of tribal members involved, a general description of the location, the mode of transportation to the destination and the maximum number of vehicles (if access is by motorized vehicle) and whether the tribal member(s) will need to have certain areas of the Preserve set aside for their exclusive use during the duration of their visit.
4. If the notification includes a request to set an area aside for the Pueblo or tribe's exclusive use for religious or cultural practices, and if compliance is feasible, the Preserve Manager (or his designee) shall arrange to set aside the area(s) for the exclusive use by the tribal member(s).
5. If it is not feasible to set the area aside for the exclusive use of the requesting Pueblo or Indian tribe for the period requested, the Preserve Manager shall immediately consult with the affected Pueblo or Indian tribe to make alternative arrangements.
6. The Preserve Manager may provide access authorizations to the Pueblo or Indian tribe if such authorizations are requested by the Pueblo or Indian tribe for distribution to the tribal member(s) wanting access into the Preserve. Access authorizations will be valid only for the duration of the visit requested by the Pueblo or Indian tribe.

## **PART II: USE**

1. The Trust recognizes that the religious practices of Pueblos and Indian tribes are an integral part of their Indian culture, tradition and heritage. The Trust acknowledges that these traditional (or aboriginal) practices may require not only access to sites or locations within the Preserve where the tribes or Pueblos have historically gone and are known or thought to go today but that these practices may require the use, collection, gathering, transporting or taking of plants, minerals, wildlife and other resources, or it may involve the restoration, repatriation, preservation and protection of sites to perform ceremonial activities in accordance with their traditional cultural rules of practice.
  - a. Notwithstanding the foregoing, the Trust expressly prohibits the erection of permanent or lasting shelters or other new structures within the Preserve.
  - b. Additionally, the Trust recognizes that it shall be the responsibility of tribes or tribal members who gain access to the Preserve under this policy to obtain appropriate authorization for the taking of any plants or animals that are subject to regulation by other federal or state agencies.

2. This policy is not intended nor does it create any new right enforceable at law against the Trust but is intended only to provide an internal process to provide access into the Preserve to Pueblos and Indian tribes for cultural and religious practices consistent with the American Religious Freedom Act.

### **CONFIDENTIALITY**

The Trust and its employees shall, as permitted by law, maintain the confidentiality of all communications with a tribal member, Pueblo, or Indian tribe pertaining to sacred sites and the religious and cultural uses of lands within the Preserve by Pueblos and Indian tribes.

Approved by: David R. Yeager Date: May 14, 2004  
Board Secretary