

GLOSSARY

Adaptive management: Stewardship actions or strategic guidance are adjusted based on knowledge gained from new information, experience, experimentation, and monitoring results. Adaptive management is the preferred method for managing complex natural systems.

Cumulative effects: The summation or integration of changes in ecosystem components at multiple places and times that are attributable to management actions. The Council on Environmental Quality (CEQ) further defines cumulative effects as “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-federal) or person undertakes such other actions (40 CFR ~1508.7).”

Environmental documents: The documents prepared to disclose the anticipated environmental effects of an action, such as an environmental impact statement, an environmental assessment, or a finding of no significant impact.

Exclosure: A fenced area used to compare the environmental impact of animals such as elk on areas outside the fence, which are grazed, and areas inside the fence, which are not.

Forb: An herbaceous plant other than a grass, especially one growing in a field or meadow.

Goal: A desirable condition of the preserve sought by the trust. A goal may be outlined or described in the Valles Caldera Preservation Act or adopted by the trust to further the purposes of the Valles Caldera Preservation Act.

Grassbank: Grass on one ranch is made available to another rancher’s cattle in order to accomplish one or more mutual goals such as landscape restoration, drought relief, or prevention of subdivision.

Monitored outcome: A short-, mid-, or long-term outcome selected by the trust for systematic evaluation.

NEPA: The National Environmental Policy Act.

NEPA procedures: The process governing compliance with the National Environmental Policy Act and specifically addressing analysis, disclosure, and public participation in management decisions that significantly affect the environment.

Riparian: Of, on, or pertaining to the bank of a river or of a pond or small lake. Riparian vegetation is streamside vegetation.

Science-based adaptive management: A commitment to monitor natural systems and the human activities that impinge on them, coupled with an equal commitment to use the monitoring information thus gained to guide and, when necessary, revise the goals and activities of management.

StARS (Stewardship Action Registry System): The process the VCT will follow to make and document management decisions.

State of the preserve: A concise account of the systematic review of monitored outcomes and interpretive information from observations, studies, public comment, research investigations, and other sources to provide the technical and scientific basis for considering the cumulative effects on the preserve.

Stewardship action: An activity or group of activities proposed or implemented by the trust that will guide or prescribe alternative uses of the preserve or authorize utilization or management of the preserve resources.

Stewardship register: A concise document, including applicable environmental documents, available to the public, depicting the location, development, implementation, and monitoring of a stewardship action.

Strategic guidance: Direction from the board consisting of one or more goals for all or part of the preserve or direction from the board to the staff to consider one or more stewardship actions or an administrative matter related to the operation of the preserve.

Working ranch: The VCT defines a “working ranch” as an operation that places its primary emphasis on stewardship of the resource as the foundation for both ecological and economic sustainability. A working ranch

- Runs a sustainable level of livestock;
- Uses resources for other revenue-generating activities such as bird watching, hunting, fishing, and other low-impact recreational activities;
- Applies adaptive management on a day-to-day basis to ensure that the resource is being protected; and
- Monitors the impact of its activities.

FOR FURTHER READING

Aquatic and Riparian Communities

McWilliams, Steve. *Watershed Conditions Summer 2000, Baca Location 1 Purchase, Valles Caldera National Preserve*. Unpublished report on file at Valles Caldera National Preserve, 2001.

National Riparian Service Team. *Valles Caldera Trip Report, 2002*. Unpublished report on file at Valles Caldera National Preserve.

Simino, James (U.S. Forest Service). *Stream Inventory Report on East Fork Jemez River, March 2002*. Unpublished report on file at Valles Caldera National Preserve.

—. *Stream Inventory Report on San Antonio River, 2003*. Unpublished report on file at Valles Caldera National Preserve.

Cultural History

Anschuetz, Kurt F., and Thomas Merlan. Working Title: *Valles Caldera National Preserve Land-Use History*. Landscape Contribution XII. Rio Grande Foundation for Communities and Cultural Landscapes. In preparation for the Valles Caldera Trust.

Martin, Craig. *History of the Baca Location No. 1*. Los Alamos: All Seasons Publishing, 2003.

Sando, Joe S. *Nee Hemish: A History of Jemez Pueblo*. Albuquerque: UNM Press, 1982.

Forests

Allen, Craig D. "Changes in the Landscape of the Jemez Mountains, New Mexico." Ph.D. diss., University of California, Berkeley, 1989.

Geology

Gardner, Jamie, and Fraser Goff. *Geology of the Northern Valles Caldera and Toledo Embayment, New Mexico*. In *New Mexico Geological Society Guidebook, 47th Field Conference, Jemez Mountains Region, 1996*, edited by Fraser Goff, et al., pp. 225–30.

Grasslands

Barnes, Will. *Valles Caldera National Preserve, Rangeland Monitoring Baseline Report*. Unpublished report on file at Valles Caldera National Preserve, 2002.

—. *Valles Caldera National Preserve, 2002 Riparian Vegetation Baseline Monitoring Report*. Unpublished report on file at Valles Caldera National Preserve, 2003.

Muldavin, Estevan, and Phil Tonne (New Mexico Natural Heritage Program). *A Vegetation Survey and Preliminary Ecological Assessment of Valles Caldera National Preserve, New Mexico*. Unpublished report on file at Valles Caldera National Preserve, 2003.

Vegetation and Floristic Diversity

Brunner-Jass, Renata. "Fire Occurrence and Paleoecology at Alamo Bog and Chihuahueros Bog, Jemez Mountains, New Mexico, USA." Master's thesis, Northern Arizona University, 1999.

Hartman, Ronald L. *General Floristic Survey of the Valles Caldera National Preserve, New Mexico: Report on Field Seasons of 2001, 2002, 2003*. Unpublished report on file at Valles Caldera National Preserve.

Muldavin, Estevan, and Phil Tonne (New Mexico Natural Heritage Program). *A Vegetation Survey and Preliminary Ecological Assessment of Valles Caldera National Preserve, New Mexico*. Unpublished report on file at Valles Caldera National Preserve, 2003.

Wildlife

Allen, Craig. *Elk Population Response to the La Mesa Fire and Current Status in the Jemez Mountains*. In *Fire Effects in Southwestern Forests: Proceedings of the Second La Mesa Fire Symposium*, edited by C. D. Allen. USDA Forest Service General Technical Report RM-286, Fort Collins, CO, 1996, pp. 179–95.

Cummer, Michelle, Bruce Christman, and Marjorie Wright. *Investigations of the Status and Distribution of Amphibians and Reptiles on the Valles Caldera National Preserve, Sandoval County, New Mexico, 2002*. Unpublished report on file at Valles Caldera National Preserve, 2003.

Fettig, Stephen, Christopher Rustay, and David Henderson. *Initial Breeding Bird Survey of the Valles Caldera National Preserve*. Unpublished report on file at Valles Caldera National Preserve, 2002.

Fettig, Stephen (based on observations by many cooperators). *New Mexico Breeding Bird Atlas Work on the Valles Caldera National Preserve (VCNP): Summary of 2002 Observations*. Unpublished report on file at Valles Caldera National Preserve, 2003.

Johnson, Terrell. 2001 *Raptor Surveys in the Valles Caldera National Preserve*. Unpublished report on file at Valles Caldera National Preserve, 2002.

Kleintjes, Paula. *Valles Caldera National Preserve Butterfly Monitoring Report 2001*. Unpublished report on file at Valles Caldera National Preserve, 2001.

New Mexico Endemic Salamander Team. *Cooperative Management Plan for the Jemez Mountains Salamander (Plethodon neomexicanus)*. U.S. Fish and Wildlife Service, Albuquerque, 2000.

Simino, James (U.S. Forest Service). *Stream Inventory Report on East Fork Jemez River*. Unpublished report on file at Valles Caldera National Preserve, 2002.

—. *Stream Inventory Report on San Antonio River*. Unpublished report on file at Valles Caldera National Preserve, 2003.

APPENDIX A:

VALLES CALDERA NATIONAL PRESERVE AND TRUST

PUBLIC LAW 106-248—JULY 25, 2000

114 STAT. 598
106th Congress

An Act

To authorize the acquisition of the Valles Caldera, to provide for an effective land and wildlife management program for this resource within the Department of Agriculture, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—VALLES CALDERA NATIONAL PRESERVE AND TRUST

SEC. 101. SHORT TITLE.

This title may be cited as the “Valles Caldera Preservation Act.”

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

- (1) the Baca ranch comprises most of the Valles Caldera in central New Mexico, and constitutes a unique land mass, with significant scientific, cultural, historic, recreational, ecological, wildlife, fisheries, and productive values;
- (2) the Valles Caldera is a large resurgent lava dome with potential geothermal activity;
- (3) the land comprising the Baca ranch was originally granted to the heirs of Don Luís María Cabeza de Vaca in 1860;
- (4) historical evidence, in the form of old logging camps and other artifacts, and the history of territorial New Mexico indicate the importance of this land over many generations for domesticated livestock production and timber supply;
- (5) the careful husbandry of the Baca ranch by the current owners, including selective timbering, limited grazing and hunting, and the use of prescribed fire, have preserved a mix of healthy range and timber land with significant species diversity, thereby serving as a model for sustainable land development and use;
- (6) the Baca ranch’s natural beauty and abundant resources, and its proximity to large municipal populations, could provide numerous recreational opportunities for hiking, fishing, camping, cross-country skiing, and hunting;
- (7) the Forest Service documented the scenic and natural values of the Baca ranch in its 1993 study entitled “Report on the Study of the Baca Location No. 1, Santa Fe National Forest, New Mexico,” as directed by Public Law 101-556;
- (8) the Baca ranch can be protected for current and future generations by continued operation as a working ranch under a unique management regime which would protect the land and resource values of the

property and surrounding ecosystem while allowing and providing for the ranch to eventually become financially self-sustaining;

(9) the current owners have indicated that they wish to sell the Baca ranch, creating an opportunity for Federal acquisition and public access and enjoyment of these lands;

(10) certain features on the Baca ranch have historical and religious significance to Native Americans which can be preserved and protected through Federal acquisition of the property;

(11) the unique nature of the Valles Caldera and the potential uses of its resources with different resulting impacts warrants a management regime uniquely capable of developing an operational program for appropriate preservation and development of the land and resources of the Baca ranch in the interest of the public;

(12) an experimental management regime should be provided by the establishment of a Trust capable of using new methods of public land management that may prove to be cost-effective and environmentally sensitive; and

(13) the Secretary may promote more efficient management of the Valles Caldera and the watershed of the Santa Clara Creek through the assignment of purchase rights of such watershed to the Pueblo of Santa Clara.

(b) PURPOSES.—The purposes of this title are—

(1) to authorize Federal acquisition of the Baca ranch;

(2) to protect and preserve for future generations the scientific, scenic, historic, and natural values of the Baca ranch, including rivers and ecosystems and archaeological, geological, and cultural resources;

(3) to provide opportunities for public recreation;

(4) to establish a demonstration area for an experimental management regime adapted to this unique property which incorporates elements of public and private administration in order to promote long term financial sustainability consistent with the other purposes enumerated in this subsection; and

(5) to provide for sustained yield management of the Baca ranch for timber production and domesticated livestock grazing insofar as is consistent with the other purposes stated herein.

SEC. 103. DEFINITIONS.

In this title:

(1) BACA RANCH.—The term “Baca ranch” means the lands and facilities described in section 104(a).

(2) BOARD OF TRUSTEES.—The terms “Board of Trustees” and “Board” mean the Board of Trustees as described in section 107.

(3) COMMITTEES OF CONGRESS.—The term “Committees of Congress” means the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

4) FINANCIALLY SELF-SUSTAINING.—The term “financially self-sustaining” means management and operating expenditures equal to or less than proceeds derived from fees and other receipts for resource use and development and interest on invested funds. Management and operating expenditures shall include Trustee expenses, salaries and benefits of staff, administrative and

operating expenses, improvements to and maintenance of lands and facilities of the Preserve, and other similar expenses. Funds appropriated to the Trust by Congress, either directly or through the Secretary, for the purposes of this title shall not be considered.

(5) **MULTIPLE USE AND SUSTAINED YIELD.**—The term “multiple use and sustained yield” has the combined meaning of the terms “multiple use” and “sustained yield of the several products and services,” as defined under the Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 531).

(6) **PRESERVE.**—The term “Preserve” means the Valles Caldera National Preserve established under section 105.

(7) **SECRETARY.**—Except where otherwise provided, the term “Secretary” means the Secretary of Agriculture.

(8) **TRUST.**—The term “Trust” means the Valles Caldera Trust established under section 106.

SEC. 104. ACQUISITION OF LANDS.

(a) **ACQUISITION OF BACA RANCH.**—

(1) **IN GENERAL.**—In compliance with the Act of June 15, 1926 (16 U.S.C. 471a), the Secretary is authorized to acquire all or part of the rights, title, and interests in and to approximately 94,761 acres of the Baca ranch, comprising the lands, facilities, and structures referred to as the Baca Location No. 1, and generally depicted on a plat entitled “Independent Resurvey of the Baca Location No. 1,” made by L.A. Osterhoudt, W.V. Hall, and Charles W. Devendorf, U.S. Cadastral Engineers, June 30, 1920–August 24, 1921, under special instructions for Group No. 107 dated February 12, 1920, in New Mexico.

(2) **SOURCE OF FUNDS.**—The acquisition under paragraph (1) may be made by purchase through appropriated or donated funds, by exchange, by contribution, or by donation of land. Funds appropriated to the Secretary from the Land and Water Conservation Fund shall be available for this purpose.

(3) **BASIS OF SALE.**—The acquisition under paragraph (1) shall be based on an appraisal done in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions and—

(A) in the case of purchase, such purchase shall be on a willing seller basis for no more than the fair market value of the land or interests therein acquired; and

(B) in the case of exchange, such exchange shall be for lands, or interests therein, of equal value, in conformity with the existing exchange authorities of the Secretary.

(4) **DEED.**—The conveyance of the offered lands to the United States under this subsection shall be by general warranty or other deed acceptable to the Secretary and in conformity with applicable title standards of the Attorney General.

(b) **ADDITION OF LAND TO BANDELIER NATIONAL MONUMENT.**—Upon acquisition of the Baca ranch under subsection (a), the Secretary of the Interior shall assume administrative jurisdiction over those lands within the boundaries of the Bandelier National Monument as modified under section 3 of Public Law 105–376 (112 Stat. 3389).

(c) **PLAT AND MAPS.**—

(1) **PLAT AND MAPS PREVAIL.**—In case of any conflict between a plat or a map and acreages, the plat or map shall prevail.

(2) **MINOR CORRECTIONS.**—The Secretary and the Secretary of the Interior may make minor corrections in the boundaries of the Upper Alamo watershed as depicted on the map referred to in section 3 of Public Law 105–376 (112 Stat. 3389).

(3) **BOUNDARY MODIFICATION.**—Upon the conveyance of any lands to any entity other than the Secretary, the boundary of the Preserve shall be modified to exclude such lands.

(4) **FINAL MAPS.**—Within 180 days of the date of acquisition of the Baca ranch under subsection (a), the Secretary and the Secretary of the Interior shall submit to the Committees of Congress a final map of the Preserve and a final map of Bandelier National Monument, respectively.

(5) **PUBLIC AVAILABILITY.**—The plat and maps referred to in the subsection shall be kept and made available for public inspection in the offices of the Chief, Forest Service, and Director, National Park Service, in Washington, D.C., and Supervisor, Santa Fe National Forest, and Superintendent, Bandelier National Monument, in the State of New Mexico.

(d) **WATERSHED MANAGEMENT REPORT.**—The Secretary, acting through the Forest Service, in cooperation with the Secretary of the Interior, acting through the National Park Service, shall—

(1) prepare a report of management alternatives which may—

(A) provide more coordinated land management within the area known as the upper watersheds of Alamo, Capulin, Medio, and Sanchez Canyons, including the areas known as the Dome Diversity Unit and the Dome Wilderness;

(B) allow for improved management of elk and other wildlife populations ranging between the Santa Fe National Forest and the Bandelier National Monument; and

(C) include proposed boundary adjustments between the Santa Fe National Forest and the Bandelier National Monument to facilitate the objectives under subparagraphs (A) and (B); and

(2) submit the report to the Committees of Congress within 120 days of the date of enactment of this title.

(e) **OUTSTANDING MINERAL INTERESTS.**—The acquisition of the Baca ranch by the Secretary shall be subject to all outstanding valid existing mineral interests. The Secretary is authorized and directed to negotiate with the owners of any fractional interest in the subsurface estate for the acquisition of such fractional interest on a willing seller basis for not to exceed its fair market value, as determined by appraisal done in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions. Any such interests acquired within the boundaries of the Upper Alamo watershed, as referred to in subsection (b), shall be administered by the Secretary of the Interior as part of Bandelier National Monument.

(f) **BOUNDARIES OF THE BACA RANCH.**—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of the Baca ranch shall be treated as if they were National Forest boundaries existing as of January 1, 1965.

(g) **PUEBLO OF SANTA CLARA.**—

(1) **IN GENERAL.**—The Secretary may assign to the Pueblo of Santa Clara rights to acquire for fair market value portions of the Baca ranch. The portion that may be assigned shall be determined by mutual agreement between the Pueblo and the Secretary based on optimal management considerations for the Preserve including manageable land line locations, public access, and retention of scenic and natural values. All

appraisals shall be done in conformity with the Uniform Appraisal Standards for Federal Land Acquisition.

(2) **STATUS OF LAND ACQUIRED.**—As of the date of acquisition, the fee title lands, and any mineral estate underlying such lands, acquired under this subsection by the Pueblo of Santa Clara are deemed transferred into trust in the name of the United States for the benefit of the Pueblo of Santa Clara and such lands and mineral estate are declared to be part of the existing Santa Clara Indian Reservation.

(3) **MINERAL ESTATE.**—Any mineral estate acquired by the United States pursuant to section 104(e) underlying fee title lands acquired by the Pueblo of Santa Clara shall not be developed without the consent of the Secretary of the Interior and the Pueblo of Santa Clara.

(4) **SAVINGS.**—Any reservations, easements, and covenants contained in an assignment agreement entered into under paragraph (1) shall not be affected by the acquisition of the Baca ranch by the United States, the assumption of management by the Valles Caldera Trust, or the lands acquired by the Pueblo being taken into trust.

SEC. 105. THE VALLES CALDERA NATIONAL PRESERVE.

(a) **ESTABLISHMENT.**—Upon the date of acquisition of the Baca ranch under section 104(a), there is hereby established the Valles Caldera National Preserve as a unit of the National Forest System which shall include all Federal lands and interests in land acquired under sections 104(a) and 104(e), except those lands and interests in land administered or held in trust by the Secretary of the Interior under sections 104(b) and 104(g), and shall be managed in accordance with the purposes and requirements of this title.

(b) **PURPOSES.**—The purposes for which the Preserve is established are to protect and preserve the scientific, scenic, geologic, watershed, fish, wildlife, historic, cultural, and recreational values of the Preserve, and to provide for multiple use and sustained yield of renewable resources within the Preserve, consistent with this title.

(c) **MANAGEMENT AUTHORITY.**—Except for the powers of the Secretary enumerated in this title, the Preserve shall be managed by the Valles Caldera Trust established by section 106.

(d) **ELIGIBILITY FOR PAYMENT IN LIEU OF TAXES.**—Lands acquired by the United States under section 104(a) shall constitute entitlement lands for purposes of the Payment in Lieu of Taxes Act (31 U.S.C. 6901–6904).

(e) **WITHDRAWALS.**—

(1) **IN GENERAL.**—Upon acquisition of all interests in minerals within the boundaries of the Baca ranch under section 104(e), subject to valid existing rights, the lands comprising the Preserve are thereby withdrawn from disposition under all laws pertaining to mineral leasing, including geothermal leasing.

(2) **MATERIALS FOR ROADS AND FACILITIES.**—Nothing in this title shall preclude the Secretary, prior to assumption of management of the Preserve by the Trust, and the Trust thereafter, from allowing the utilization of common varieties of mineral materials such as sand, stone, and gravel as necessary for construction and maintenance of roads and facilities within the Preserve.

(f) **FISH AND GAME.**—Nothing in this title shall be construed as affecting the responsibilities of the State of New Mexico with respect to fish and wildlife, including the regulation of hunting, fishing, and trapping within the Preserve, except that the Trust may, in consultation with the Secretary and the State of New Mexico,

designate zones where and establish periods when no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, the protection of nongame species and their habitats, or public use and enjoyment.

(g) REDONDO PEAK.—

(1) IN GENERAL.—For the purposes of preserving the natural, cultural, religious, and historic resources on Redondo Peak upon acquisition of the Baca ranch under section 104(a), except as provided in paragraph (2), within the area of Redondo Peak above 10,000 feet in elevation—

(A) no roads, structures, or facilities shall be constructed; and

(B) no motorized access shall be allowed.

(2) EXCEPTIONS.—Nothing in this subsection shall preclude—

(A) the use and maintenance of roads and trails existing as of the date of enactment of this Act;

(B) the construction, use and maintenance of new trails, and the relocation of existing roads, if located to avoid Native American religious and cultural sites; and

(C) motorized access necessary to administer the area by the Trust (including measures required in emergencies involving the health or safety of persons within the area).

SEC. 106. THE VALLES CALDERA TRUST.

(a) ESTABLISHMENT.—There is hereby established a wholly owned government corporation known as the Valles Caldera Trust which is empowered to conduct business in the State of New Mexico and elsewhere in the United States in furtherance of its corporate purposes.

(b) CORPORATE PURPOSES.—The purposes of the Trust are—

(1) to provide management and administrative services for the Preserve;

(2) to establish and implement management policies which will best achieve the purposes and requirements of this title;

(3) to receive and collect funds from private and public sources and to make dispositions in support of the management and administration of the Preserve; and

(4) to cooperate with Federal, State, and local governmental units, and with Indian tribes and Pueblos, to further the purposes for which the Preserve was established.

(c) NECESSARY POWERS.—The Trust shall have all necessary and proper powers for the exercise of the authorities vested in it.

(d) STAFF.—

(1) IN GENERAL.—The Trust is authorized to appoint and fix the compensation and duties of an executive director and such other officers and employees as it deems necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may pay them without regard to the provisions of chapter 51, and subchapter III of chapter 53, title 5, United States Code, relating to classification and General Schedule pay rates. No employee of the Trust shall be paid at a rate in excess of that payable to the Supervisor of the Santa Fe National Forest or the Superintendent of the Bandelier National Monument, whichever is greater.

(2) FEDERAL EMPLOYEES.—

(A) IN GENERAL.—Except as provided in this title, employees of the Trust shall be Federal employees as defined by title 5, United States Code, and shall be subject to all rights and

obligations applicable thereto.

(B) USE OF FEDERAL EMPLOYEES.—At the request of the Trust, the employees of any Federal agency may be provided for implementation of this title. Such employees detailed to the Trust for more than 30 days shall be provided on a reimbursable basis.

(e) GOVERNMENT CORPORATION.—

(1) IN GENERAL.—The Trust shall be a Government Corporation subject to chapter 91 of title 31, United States Code (commonly referred to as the Government Corporation Control Act). Financial statements of the Trust shall be audited annually in accordance with section 9105 of title 31 of the United States Code.

(2) REPORTS.—Not later than January 15 of each year, the Trust shall submit to the Secretary and the Committees of Congress a comprehensive and detailed report of its operations, activities, and accomplishments for the prior year including information on the status of ecological, cultural, and financial resources being managed by the Trust, and benefits provided by the Preserve to local communities. The report shall also include a section that describes the Trust's goals for the current year.

(3) ANNUAL BUDGET.—

(A) IN GENERAL.—The Trust shall prepare an annual budget with the goal of achieving a financially self-sustaining operation within 15 full fiscal years after the date of acquisition of the Baca ranch under section 104(a).

(B) BUDGET REQUEST.—The Secretary shall provide necessary assistance (including detailees as necessary) to the Trust for the timely formulation and submission of the annual budget request for appropriations, as authorized under section 111(a), to support the administration, operation, and maintenance of the Preserve.

(f) TAXES.—The Trust and all properties administered by the Trust shall be exempt from all taxes and special assessments of every kind by the State of New Mexico, and its political subdivisions including the counties of Sandoval and Rio Arriba.

(g) DONATIONS.—The Trust may solicit and accept donations of funds, property, supplies, or services from individuals, foundations, corporations, and other private or public entities for the purposes of carrying out its duties. The Secretary, prior to assumption of management of the Preserve by the Trust, and the Trust thereafter, may accept donations from such entities notwithstanding that such donors may conduct business with the Department of Agriculture or any other department or agency of the United States.

(h) PROCEEDS.—

(1) IN GENERAL.—Notwithstanding sections 1341 and 3302 of title 31 of the United States Code, all monies received from donations under subsection (g) or from the management of the Preserve shall be retained and shall be available, without further appropriation, for the administration, preservation, restoration, operation and maintenance, improvement, repair, and related expenses incurred with respect to properties under its management jurisdiction.

(2) FUND.—There is hereby established in the Treasury of the United States a special interest bearing fund entitled “Valles Caldera Fund” which shall be available, without further appropriation for any purpose consistent with the purposes of this title. At the option of the Trust, or the Secretary in accordance with section 110, the Secretary of the Treasury shall invest excess monies of the Trust in such account, which shall bear

interest at rates determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturity.

(i) **RESTRICTIONS ON DISPOSITION OF RECEIPTS.**—Any funds received by the Trust, or the Secretary in accordance with section 109(b), from the management of the Preserve shall not be subject to partial distribution to the State under—

(1) the Act of May 23, 1908, entitled “an Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and nine” (35 Stat. 260, chapter 192; 16 U.S.C. 500);

(2) section 13 of the Act of March 1, 1911 (36 Stat. 963, chapter 186; 16 U.S.C. 500); or

(3) any other law.

(j) **SUITS.**—The Trust may sue and be sued in its own name to the same extent as the Federal Government. For purposes of such suits, the residence of the Trust shall be the State of New Mexico. The Trust shall be represented by the Attorney General in any litigation arising out of the activities of the Trust, except that the Trust may retain private attorneys to provide advice and counsel.

(k) **BYLAWS.**—The Trust shall adopt necessary bylaws to govern its activities.

(l) **INSURANCE AND BOND.**—The Trust shall require that all holders of leases from, or parties in contract with, the Trust that are authorized to occupy, use, or develop properties under the management jurisdiction of the Trust, procure proper insurance against any loss in connection with such properties, or activities authorized in such lease or contract, as is reasonable and customary.

(m) **NAME AND INSIGNIA.**—The Trust shall have the sole and exclusive right to use the words “Valles Caldera Trust,” and any seal, emblem, or other insignia adopted by the Board of Trustees. Without express written authority of the Trust, no person may use the words “Valles Caldera Trust” as the name under which that person shall do or purport to do business, for the purpose of trade, or by way of advertisement, or in any manner that may falsely suggest any connection with the Trust.

SEC. 107. BOARD OF TRUSTEES.

(a) **IN GENERAL.**—The Trust shall be governed by a 9-member Board of Trustees consisting of the following:

(1) **VOTING TRUSTEES.**—The voting Trustees shall be—

(A) the Supervisor of the Santa Fe National Forest, United States Forest Service;

(B) the Superintendent of the Bandelier National Monument, National Park Service; and

(C) seven individuals, appointed by the President, in consultation with the congressional delegation from the State of New Mexico. The seven individuals shall have specific expertise or represent an organization or government entity as follows—

(i) one trustee shall have expertise in aspects of domesticated livestock management, production, and marketing, including range management and livestock business management;

(ii) one trustee shall have expertise in the management of game and nongame wildlife and fish populations, including hunting, fishing, and other recreational activities;

(iii) one trustee shall have expertise in the sustainable management of forest lands for commodity and non-commodity purposes;

(iv) one trustee shall be active in a nonprofit conservation organization concerned with the activities of the Forest Service;

(v) one trustee shall have expertise in financial management, budget and program analysis, and small business operations;

(vi) one trustee shall have expertise in the cultural and natural history of the region; and

(vii) one trustee shall be active in State or local government in New Mexico, with expertise in the customs of the local area.

(2) QUALIFICATIONS.—Of the trustees appointed by the President—

(A) none shall be employees of the Federal Government; and

(B) at least five shall be residents of the State of New Mexico.

(b) INITIAL APPOINTMENTS.—The President shall make the initial appointments to the Board of Trustees within 90 days after acquisition of the Baca ranch under section 104(a).

(c) TERMS.—

(1) IN GENERAL.—Appointed trustees shall each serve a term of 4 years, except that of the trustees first appointed, four shall serve for a term of 4 years, and three shall serve for a term of 2 years.

(2) VACANCIES.—Any vacancy among the appointed trustees shall be filled in the same manner in which the original appointment was made, and any trustee appointed to fill a vacancy shall serve for the remainder of that term for which his or her predecessor was appointed.

(3) LIMITATIONS.—No appointed trustee may serve more than 8 years in consecutive terms.

(d) QUORUM.—A majority of trustees shall constitute a quorum of the Board for the conduct of business.

(e) ORGANIZATION AND COMPENSATION.—

(1) IN GENERAL.—The Board shall organize itself in such a manner as it deems most appropriate to effectively carry out the activities of the Trust.

(2) COMPENSATION OF TRUSTEES.—Trustees shall serve without pay, but may be reimbursed from the funds of the Trust for the actual and necessary travel and subsistence expenses incurred by them in the performance of their duties.

(3) CHAIR.—Trustees shall select a chair from the membership of the Board.

(f) LIABILITY OF TRUSTEES.—Appointed trustees shall not be considered Federal employees by virtue of their membership on the Board, except for purposes of the Federal Tort Claims Act, the Ethics in Government Act, and the provisions of chapter 11 of title 18, United States Code.

(g) MEETINGS.—

(1) LOCATION AND TIMING OF MEETINGS.—The Board shall meet in sessions open to the public at least three times per year in New Mexico. Upon a majority vote made in open session, and a public statement of the reasons therefore, the Board may close any other meetings to the public: Provided, That any final decision of the Board to adopt or

amend the comprehensive management program under section 108(d) or to approve any activity related to the management of the land or resources of the Preserve shall be made in open public session.

(2) PUBLIC INFORMATION.—In addition to other requirements of applicable law, the Board shall establish procedures for providing appropriate public information and periodic opportunities for public comment regarding the management of the Preserve.

SEC. 108. RESOURCE MANAGEMENT.

(a) ASSUMPTION OF MANAGEMENT.—The Trust shall assume all authority provided by this title to manage the Preserve upon a determination by the Secretary, which to the maximum extent practicable shall be made within 60 days after the appointment of the Board, that—

(1) the Board is duly appointed, and able to conduct business; and

(2) provision has been made for essential management services.

(b) MANAGEMENT RESPONSIBILITIES.—Upon assumption of management of the Preserve under subsection (a), the Trust shall manage the land and resources of the Preserve and the use thereof including, but not limited to such activities as—

(1) administration of the operations of the Preserve;

(2) preservation and development of the land and resources of the Preserve;

(3) interpretation of the Preserve and its history for the public;

(4) management of public use and occupancy of the Preserve; and

(5) maintenance, rehabilitation, repair, and improvement of property within the Preserve.

(c) AUTHORITIES.—

(1) IN GENERAL.—The Trust shall develop programs and activities at the Preserve, and shall have the authority to negotiate directly and enter into such agreements, leases, contracts and other arrangements with any person, firm, association, organization, corporation or governmental entity, including without limitation, entities of Federal, State, and local governments, and consultation with Indian tribes and Pueblos, as are necessary and appropriate to carry out its authorized activities or fulfill the purposes of this title. Any such agreements may be entered into without regard to section 321 of the Act of June 30, 1932 (40 U.S.C. 303b).

(2) PROCEDURES.—The Trust shall establish procedures for entering into lease agreements and other agreements for the use and occupancy of facilities of the Preserve. The procedures shall ensure reasonable competition, and set guidelines for determining reasonable fees, terms, and conditions for such agreements.

(3) LIMITATIONS.—The Trust may not dispose of any real property in, or convey any water rights appurtenant to the Preserve. The Trust may not convey any easement, or enter into any contract, lease, or other agreement related to use and occupancy of property within the Preserve for a period greater than 10 years. Any such easement, contract, lease, or other agreement shall provide that, upon termination of the Trust, such easement, contract, lease or agreement is terminated.

(4) APPLICATION OF PROCUREMENT LAWS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, Federal laws and regulations governing procurement by Federal agencies shall not apply to the Trust, with the exception of

laws and regulations related to Federal Government contracts governing health and safety requirements, wage rates, and civil rights.

(B) PROCEDURES.—The Trust, in consultation with the Administrator of Federal Procurement Policy, Office of Management and Budget, shall establish and adopt procedures applicable to the Trust's procurement of goods and services, including the award of contracts on the basis of contractor qualifications, price, commercially reasonable buying practices, and reasonable competition.

(d) MANAGEMENT PROGRAM.—Within two years after assumption of management responsibilities for the Preserve, the Trust shall, in accordance with subsection (f), develop a comprehensive program for the management of lands, resources, and facilities within the Preserve to carry out the purposes under section 105(b). To the extent consistent with such purposes, such program shall provide for—

(1) operation of the Preserve as a working ranch, consistent with paragraphs (2) through (4);

(2) the protection and preservation of the scientific, scenic, geologic, watershed, fish, wildlife, historic, cultural and recreational values of the Preserve;

(3) multiple use and sustained yield of renewable resources within the Preserve;

(4) public use of and access to the Preserve for recreation;

(5) renewable resource utilization and management alternatives

that, to the extent practicable—

(A) benefit local communities and small businesses;

(B) enhance coordination of management objectives with those on surrounding National Forest System land; and

(C) provide cost savings to the Trust through the exchange of services, including but not limited to labor and maintenance of facilities, for resources or services provided by the Trust; and

(6) optimizing the generation of income based on existing market conditions, to the extent that it does not unreasonably diminish the long-term scenic and natural values of the area, or the multiple use and sustained yield capability of the land.

(e) PUBLIC USE AND RECREATION.—

(1) IN GENERAL.—The Trust shall give thorough consideration to the provision of appropriate opportunities for public use and recreation that are consistent with the other purposes under section 105(b). The Trust is expressly authorized to construct and upgrade roads and bridges, and provide other facilities for activities including, but not limited to camping and picnicking, hiking, and cross country skiing. Roads, trails, bridges, and recreational facilities constructed within the Preserve shall meet public safety standards applicable to units of the National Forest System and the State of New Mexico.

(2) FEES.—Notwithstanding any other provision of law, the Trust is authorized to assess reasonable fees for admission to, and the use and occupancy of, the Preserve: Provided, That admission fees and any fees assessed for recreational activities shall be implemented only after public notice and a period of not less than 60 days for public comment.

(3) PUBLIC ACCESS.—Upon the acquisition of the Baca ranch under section 104(a), and after an interim planning period of no more than two years, the public shall have reasonable access to the Preserve for recreation purposes. The Secretary, prior to assumption of management of the Preserve by the Trust, and the Trust thereafter, may reasonably limit the number and types of recreational admissions to the Preserve, or any part thereof, based on

the capability of the land, resources, and facilities. The use of reservation or lottery systems is expressly authorized to implement this paragraph.

(f) **APPLICABLE LAWS.**—

(1) **IN GENERAL.**—The Trust, and the Secretary in accordance with section 109(b), shall administer the Preserve in conformity with this title and all laws pertaining to the National Forest System, except the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended (16 U.S.C. 1600 et seq.).

(2) **ENVIRONMENTAL LAWS.**—The Trust shall be deemed a Federal agency for the purposes of compliance with Federal environmental laws.

(3) **CRIMINAL LAWS.**—All criminal laws relating to Federal property shall apply to the same extent as on adjacent units of the National Forest System.

(4) **REPORTS ON APPLICABLE RULES AND REGULATIONS.**—The Trust may submit to the Secretary and the Committees of Congress a compilation of applicable rules and regulations which in the view of the Trust are inappropriate, incompatible with this title, or unduly burdensome.

(5) **CONSULTATION WITH TRIBES AND PUEBLOS.**—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. 1996 (note)) and other applicable statutes.

(6) **NO ADMINISTRATIVE APPEAL.**—The administrative appeals regulations of the Secretary shall not apply to activities of the Trust and decisions of the Board.

(g) **LAW ENFORCEMENT AND FIRE MANAGEMENT.**—The Secretary shall provide law enforcement services under a cooperative agreement with the Trust to the extent generally authorized in other units of the National Forest System. The Trust shall be deemed a Federal agency for purposes of the law enforcement authorities of the Secretary (within the meaning of section 15008 of the National Forest System Drug Control Act of 1986 (16 U.S.C. 559g)). At the request of the Trust, the Secretary may provide fire suppression, fire suppression, and rehabilitation services: Provided, That the Trust shall reimburse the Secretary for salaries and expenses of fire management personnel, commensurate with services provided.

SEC. 109. AUTHORITIES OF THE SECRETARY.

(a) **IN GENERAL.**—Notwithstanding the assumption of management of the Preserve by the Trust, the Secretary is authorized to—

(1) issue any rights-of-way, as defined in the Federal Land Policy and Management Act of 1976, of over 10 years duration, in cooperation with the Trust, including, but not limited to, road and utility rights-of-way, and communication sites;

(2) issue orders under and enforce prohibitions generally applicable on other units of the National Forest System, in cooperation with the Trust;

(3) exercise the authorities of the Secretary under the Wild and Scenic Rivers Act (16 U.S.C. 1278, et seq.) and the Federal Power Act (16 U.S.C. 797, et seq.), in cooperation with the Trust;

(4) acquire the mineral rights referred to in section 104(e);

(5) provide law enforcement and fire management services under section 108(g);

(6) at the request of the Trust, exchange land or interests in land within the Preserve under laws generally applicable to other units of the National Forest System, or otherwise dispose of land or interests in land within the Preserve under Public Law 97-465 (16 U.S.C. 521c through 521i);

(7) in consultation with the Trust, refer civil and criminal cases pertaining to the Preserve to the Department of Justice for prosecution;

(8) retain title to and control over fossils and archaeological artifacts found within the Preserve;

(9) at the request of the Trust, construct and operate a visitors' center in or near the Preserve, subject to the availability of appropriated funds;

(10) conduct the assessment of the Trust's performance, and, if the Secretary determines it necessary, recommend to Congress the termination of the Trust, under section 110(b)(2); and

(11) conduct such other activities for which express authorization is provided to the Secretary by this title.

(b) INTERIM MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Preserve in accordance with this title during the interim period from the date of acquisition of the Baca ranch under section 104(a) to the date of assumption of management of the Preserve by the Trust under section 108. The Secretary may enter into any agreement, lease, contract, or other arrangement on the same basis as the Trust under section 108(c)(1): Provided, That any agreement, lease, contract, or other arrangement entered into by the Secretary shall not exceed two years in duration unless expressly extended by the Trust upon its assumption of management of the Preserve.

(2) USE OF THE FUND.—All monies received by the Secretary from the management of the Preserve during the interim period under paragraph (1) shall be deposited into the "Valles Caldera Fund" established under section 106(h)(2), and such monies in the fund shall be available to the Secretary, without further appropriation, for the purpose of managing the Preserve in accordance with the responsibilities and authorities provided to the Trust under section 108.

(c) SECRETARIAL AUTHORITY.—The Secretary retains the authority to suspend any decision of the Board with respect to the management of the Preserve if he finds that the decision is clearly inconsistent with this title. Such authority shall only be exercised personally by the Secretary, and may not be delegated. Any exercise of this authority shall be in writing to the Board, and notification of the decision shall be given to the Committees of Congress. Any suspended decision shall be referred back to the Board for reconsideration.

(d) ACCESS.—The Secretary shall at all times have access to the Preserve for administrative purposes.

SEC. 110. TERMINATION OF THE TRUST.

(a) IN GENERAL.—The Valles Caldera Trust shall terminate at the end of the twentieth full fiscal year following acquisition of the Baca ranch under section 104(a).

(b) RECOMMENDATIONS.—

(1) BOARD.—

(A) If after the fourteenth full fiscal years from the date of acquisition of the Baca ranch under section 104(a), the Board

believes the Trust has met the goals and objectives of the comprehensive management program under section 108(d), but has not become financially self-sustaining, the Board may submit to the Committees of Congress, a recommendation for authorization of appropriations beyond that provided under this title.

(B) During the eighteenth full fiscal year from the date of acquisition of the Baca ranch under section 104(a), the Board shall submit to the Secretary its recommendation that the Trust be either extended or terminated including the reasons for such recommendation.

(2) SECRETARY.—Within 120 days after receipt of the recommendation of the Board under paragraph (1)(B), the Secretary shall submit to the Committees of Congress the Board's recommendation on extension or termination along with the recommendation of the Secretary with respect to the same and stating the reasons for such recommendation.

(c) EFFECT OF TERMINATION.—In the event of termination of the Trust, the Secretary shall assume all management and administrative functions over the Preserve, and it shall thereafter be managed as a part of the Santa Fe National Forest, subject to all laws applicable to the National Forest System.

(d) ASSETS.—In the event of termination of the Trust, all assets of the Trust shall be used to satisfy any outstanding liabilities, and any funds remaining shall be transferred to the Secretary for use, without further appropriation, for the management of the Preserve.

(e) VALLES CALDERA FUND.—In the event of termination, the Secretary shall assume the powers of the Trust over funds under section 106(h), and the Valles Caldera Fund shall not terminate. Any balances remaining in the fund shall be available to the Secretary, without further appropriation, for any purpose consistent with the purposes of this title.

SEC. 111. LIMITATIONS ON FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Secretary and the Trust such funds as are necessary for them to carry out the purposes of this title for each of the 15 full fiscal years after the date of acquisition of the Baca ranch under section 104(a).

(b) SCHEDULE OF APPROPRIATIONS.—Within two years after the first meeting of the Board, the Trust shall submit to Congress a plan which includes a schedule of annual decreasing appropriated funds that will achieve, at a minimum, the financially self-sustained operation of the Trust within 15 full fiscal years after the date of acquisition of the Baca ranch under section 104(a).

SEC. 112. GENERAL ACCOUNTING OFFICE STUDY.

(a) INITIAL STUDY.—Three years after the assumption of management by the Trust, the General Accounting Office shall conduct an interim study of the activities of the Trust and shall report the results of the study to the Committees of Congress. The study shall include, but shall not be limited to, details of programs and activities operated by the Trust and whether it met its obligations under this title.

(b) SECOND STUDY.—Seven years after the assumption of management by the Trust, the General Accounting Office shall conduct a study of the activities of the Trust and shall report the results of the study to the Committees of Congress. The study shall provide an assessment of any failure to meet obligations that may be identified under subsection (a), and further evaluation on the ability of the Trust to meet its obligations under this title.

APPENDIX B: 2000-15 PLAN FOR DECREASING APPROPRIATIONS

I. Introduction

The United States purchased the former Baca Ranch with the signing of Public Law 106-248, the Valles Caldera Preservation Act, on July 25, 2000 (the act). This action created the Valles Caldera National Preserve (the preserve) as a public land and the Valles Caldera Trust (the trust) as a wholly owned government corporation to manage the preserve. Since the purchase, much has been accomplished in both understanding the preserve and structuring the operations of the trust to meet its mandate of

- Protecting and preserving for future generations the scientific, scenic, historic, and natural values of the Baca Ranch, including rivers and ecosystems and archaeological, geological, and cultural resources;
- Providing opportunities for public recreation;
- Establishing a demonstration area for an experimental management regime adapted to this unique property that incorporates elements of public and private administration in order to promote long-term financial sustainability consistent with the other purposes enumerated in the act; and
- Providing for sustained yield management of the Baca Ranch for timber production and domesticated livestock grazing insofar as is consistent with the other stated purposes.

II. The Valles Caldera National Preserve

A. Description

About 1.6 million years ago, a volcanic eruption rocked the Jemez Mountains in northern New Mexico. Less than 400,000 years later another eruption spewed out 200 to 300 times more ash and rock than Mount St. Helens. These successive volcanic explosions created a 12- to 15-mile-wide crater with green valleys, quiet streams and majestic mountains rimmed by peaks. This ancient volcano also provides panoramic views and a home to a variety of wildlife.

For over 40 years, the American people tried to acquire the privately owned Baca Ranch, a working ranch with cattle grazing, hunting, limited logging, and fishing. On July 25, 2000, attempts to purchase the Baca Ranch were successful and approximately 89,000 acres of this dormant volcanic field became the Valles Caldera National Preserve, a unit of the National Forest System.

B. Legislative Requirements

In addition to various requirements to protect the preserve and allow for various uses, the act mandates that the trust will promote long-term financial sustainability consistent with the other purposes.

The act defines financial sustainability as

Management and operating expenditures equal to or less than proceeds derived from fees and other receipts for resource use and development and interest on invested funds. Management and operating expenditures shall include trustee expenses, salaries and benefits of staff, administrative and operating expenses, improvements to and maintenance of lands and facilities

of the preserve, and other similar expenses. Funds appropriated to the trust by Congress, either directly or through the secretary, for the purposes of this title shall not be considered.

In addition, the act states that

The trust shall prepare an annual budget with the goal of achieving a financially self-sustaining operation within 15 full fiscal years after the date of acquisition of the Baca Ranch.

And

Within two years after the first meeting of the board, the trust shall submit to Congress a plan that includes a schedule of annual decreasing appropriated funds that will achieve, at a minimum, the financially self-sustained operation of the trust within 15 full fiscal years after the date of acquisition of the Baca Ranch.

The trust effectively began operations with the seating of the first board of trustees on January 10, 2001, triggering the requirement for this financial plan.

III. Decreasing Appropriations and Financial Self-Sufficiency

The trust is fully committed to the goal of financial self-sufficiency. Attaining this goal requires a careful evaluation of the requirements placed on the trust as well as the opportunities afforded it through the unique trust organization created by Congress. Establishing a balance between the costs associated with being a federal entity, the fee tolerance of the public in supporting public lands, and the opportunity provided through being able to operate in a near-commercial mode creates a challenge that the trust gladly accepts.

Streamlining both required federal overhead—those costs established through compliance with federal laws and statutes—and trust administrative costs will be a key component to successfully reaching the goal. It is clear at the outset that these costs must be controlled, and efforts are under way to create a compact staff, as free of redundancy and bureaucratic process as possible, and to mitigate compliance costs by developing innovative approaches to federal compliance laws such as the National Environmental Policy Act.

As programs are developed, a cost-benefit approach to program design will facilitate the trust's strong commitment to financial prudence. A mixture of high-return and low-return programs will be developed, recognizing the public's interest in making access to public lands easily available and the trust's responsibility and obligation to the community. The trust has explicitly committed to a high level of social equity in the operation of its public programs. This commitment means affording to all members of the public from all social and economic strata a reasonable opportunity to participate in preserve programs. The trust is already establishing an array of interim programs to experiment with program and fee mixes. The lessons learned from these experiments will help the trust continually adapt the overall program mix as the organization grows.

Generating funds over the long term to allow decreasing appropriations depends on a combination of receipt-generating programs and external fund-raising. Both will take significant planning to successfully attain the goal of financial self-sufficiency, and the board of trustees has seated a development committee to begin this planning.

The trust will require substantial appropriations above the cost of operation early on in its first 15 years to support infrastructure development necessary for creating receipt-generating programs. Increasing early appropriations will facilitate infrastructure development, allowing implementation of programs and resulting in receipts necessary to decrease future appropriations. The timing of appropriations at the beginning of the trust's life will significantly impact its ability to meet the goal of financial self-sufficiency at the end of the 15-year period.

IV. Development Strategy for the Preserve

In creating a strategy to attain financial self-sufficiency, the trust must balance the various requirements and goals outlined in legislation with its ability to generate funds externally. A 15-year phased approach that satisfies this balance is being developed.

Phase 1: Institution Building—Approximately 2001–5

The first phase of reaching the goal of financial self-sufficiency is institution building. The trust, as a wholly owned government corporation, is an experiment to examine land management techniques in a new light, trying new management regimes and developing and capitalizing on revenue-generating activities. To accomplish this task, the trust itself must be organized to accommodate these new methods. In this first phase, the trust is developing the appropriate staff and tools to manage the preserve.

During this period the staff will be hired and organized, management control will be transferred to the trust from the interim management of the Forest Service, and a financial system controlled by the trust will be established. Mechanisms to support flexible and effective science-based adaptive management will be developed along with real-time accounting controls instituted to ensure prudent financial management consistent with the trust's land stewardship goals.

Appendix A summarizes trust accomplishments through fiscal year 2002. Interim projects have begun to allow public access and generate revenues. Revenues in fiscal year 2002 covered 16 percent of the actual expense of operating the trust. At this early stage, the trust is already moving toward its goal of financial self-sufficiency. A fund-raising strategy and mechanism, perhaps including formation of a 501(c)3 organization, will be created and implemented during phase 1. Business plans for infrastructure development and long-term public programs will be produced with input from the public and assistance from subject matter experts.

Phase 2: Infrastructure Development—Approximately 2005–10

As trust staff, processes, and plans are put in place, the infrastructure needed to support effective land stewardship, public access, and receipts generation will be developed. The Framework for Comprehensive Management created by the board of trustees provides strategic guidance to the staff on developing specific activities on the preserve consistent with the long-range vision of the trust. Implementing these specific activities will depend on receiving increased appropriations or other sources of funds beyond those needed for trust operations.

Major infrastructure development projects envisioned in phase 2 of the trust include developing

- An integrated road and trails system across the preserve to accommodate various recreation and administrative needs;

- A visitor facility as a delivery vehicle for interpretive and educational messages to the public;
- An administrative/science facility to provide housing, offices, labs, educational facilities, and other administrative functions necessary for the operation and maintenance of the preserve; and
- An integrated interpretive plan for developing New Mexico State Highway 4, which runs through the preserve.

These and other potential infrastructure development efforts are necessary to fulfill the basic goals and mandates of the trust. In addition, permanent recreation and public access programs will be developed to replace the experimental interim programs created to allow initial public access to the preserve.

Phase 3: Program Refinement—Approximately 2010–15

Cultivating alternative sources of funds and streamlining preserve programs to permit decreasing appropriations will be the focus of phase 3 of the trust. This critical phase will concentrate on implementing business plans developed in the previous phases. Successes of the early phases will provide a springboard for phase 3. Streamlining business operations and developing infrastructure to support fund-generating programs will be vital to successfully reaching financial self-sufficiency.

The act provides for the trust to retain the funds it derives from activities and explicitly authorizes tax deductibility of donations to the trust and the use of lotteries for the trust's activities. This provides a near-commercial opportunity for generating receipts and meeting trust goals.

Sources of funds available for the trust to meet its goal of financial self-sufficiency include generating receipts from

- Fees for public access or activities,
- Federal and other public grants,
- Sustainable utilization of natural resources,
- Private fund-raising and partnerships,
- Retail and merchandising activities,
- Nonprogrammed special events, and
- Hospitality activities.

Each of these methods, and others not yet envisioned, for generating receipts to support trust operations must be weighed against both the needs of the trust in meeting its goals and the ability of the public to engage in activities at a reasonable cost.

V. Tracking Performance

Trust finances will be analyzed each year to create a variance analysis against projected budgets and goals. Significant changes in projected amounts will be used as a basis for reevaluating projections and adjusting both future appropriations requests and operational budgeting procedures.

An annual report to Congress will be prepared highlighting the accomplishments of the preceding year and outlining the goals for the year to come. These summary reports will be compared with the trust's Framework for Comprehensive Management and legislative goals to ensure programs remain consistent with the long-term vision of the board and the intent of Congress.

APPENDIX A
Fiscal Years 2001–2 Consolidated Reports
Executive Summary (Excerpts)

The United States purchased the former Baca Ranch with the signing of Public Law 106-248, the Valles Caldera Preservation Act, on July 25, 2000 (the act). This action created the Valles Caldera National Preserve (the preserve) as a public land and the Valles Caldera Trust (the trust) as a wholly owned government corporation to manage the preserve. Since the purchase, much has been accomplished in both understanding the preserve and structuring the operations of the trust to meet its legislative mandates.

Major Accomplishments to Date:

- The board of trustees developed a set of management principles to provide guiding values for decision making within the trust.
- The board of trustees is developing a framework for the development of the Comprehensive Management Program as required by the act.
- The board of trustees conducted seven listening sessions and 15 public board meetings through 2002 to understand public opinion and desires for developing public activities on the preserve.
- The board of trustees developed the initial staffing to provide daily operations for the preserve.
- The trust established permanent offices in Los Alamos, NM, to host day-to-day operations of the preserve.
- The trust fulfilled the required conditions to assume management authority for the preserve from the interim management of the Forest Service.
- The trust has developed final NEPA procedures, a personnel policy, and a procurement policy to guide trust operations. The trust has developed a draft tribal access and use policy for tribal access within the preserve for religious and cultural uses consistent with the American Indian Religious Freedom Act and other applicable statutes.
- The trust initiated a transition of trust accounts from the Forest Service into an accounting system that the trust will fully control.
- The trust prepared a financial statement for FY 2002 that reconciles with the official Forest Service accounting records in preparation for the transition to its own accounts in 2003.
- The trust developed a draft plan for decreasing federal appropriated funds over the first 15 years of the trust.
- The trust began upgrading 4.5 miles of main preserve roads and replacement of five key bridges to meet administrative, maintenance, emergency, recreation, ranching, and other needs.
- The trust initiated replacing the water collection system at the preserve in order to provide potable water for recreation and administrative activities.
- The trust initiated an aggressive research, inventory, and monitoring program to better understand the preserve.
- The trust completed an environmental assessment resulting in a finding of no significant impact and initiated an immediate drought relief livestock grazing program for a five-week period ending September 30, 2002.
- The trust partnered with Jemez Pueblo to thin trees and reduce fuel loads around the Highway 4 corridor and the preserve headquarters area to protect the headquarters buildings and old-growth forest from catastrophic fire.
- The trust provided the first public access to the preserve for several thousand visitors through a series of bus tours.

- The trust conducted its first elk hunt, which was described as a great success by participants, grossing over \$400,000 in access fees through a lottery-auction combination.
- The trust hired a contractor to provide guided hiking on the preserve during 2002. This allowed public access to the preserve prior to the development of infrastructure necessary for general public access.
- The trust engaged a contractor to establish a winter sports program.

APPENDIX C: VALLES CALDERA TRUST BOARD AND STAFF

BOARD OF TRUSTEES: Past and Present

Bob Armstrong (Austin, Texas), 2001–2
Leonard Atencio (Santa Fe National Forest), 2001–3
Steve Bone (Bandelier National Monument), 2002–3
William deBuys (Santa Fe, New Mexico), 2001–present
Karen Durkovich (Santa Fe, New Mexico), 2001–3
Tracy Hephner (Wagon Mound, New Mexico), 2003–present
Larry Icerman (Santa Fe, New Mexico), 2003–present
Barbara Johnson (Santa Fe, New Mexico), 2003–present
Darlene Koontz (Bandelier National Monument), 2003–present
Palemon Martinez (Valdez, New Mexico), 2001–present
Stephen Stoddard (Los Alamos, New Mexico), 2001–3
Thomas Swetnam (Tucson, Arizona), 2001–present
Dennis Vasquez (Bandelier National Monument), 2001–2
David R. Yepa (Jemez Pueblo, New Mexico), 2001–present
Gilbert Zepeda (Santa Fe National Forest), 2003–present

VALLES CALDERA TRUST STAFF: Past and Present

Kimber Barber (Recreation Specialist), 2003–present
Steve Chomko (Cultural Resources Coordinator), 2003–present
Rob Dixon (Information Technology Manager), 2003–present
Rick Dustin (Outdoor Recreation Coordinator/Landscape Architect),
2003–present
Richard Engstrom (Business Manager), 2002–present
Ida Formea (Office Manager), 2002–3
Julie Grey (Communications Manager), 2003–present
Dana Kline (Office Manager), 2003–present
Karen Lee (Geospatial Information Systems Coordinator), 2002–present
Rourke McDermott (Landscape Architect), 2003–present
Randy McKee (Ranch Foreman), 2003–present
Chris Morris (Controller), 2002–present
Dusty Olson (Law Enforcement–Santa Fe National Forest), 2001–present
Martin Pacheco (Recreation Specialist), 2003–present
Robert Parmenter (Preserve Scientist), 2003–present
David Phillips (Detailed–Los Alamos National Laboratory), 2002–present
Marie Rodriguez (Natural Resources Coordinator), 2003–present
Dennis Trujillo (Preserve Manager), 2002–present
Gary Ziehe (Executive Director), 2001–present

