



Valles Caldera Trust
18161 State Highway 4
P.O. Box 359
Jemez Springs, NM 87025

T 505-661-3333
F 575-829-4614
www.vallescaldera.gov
info@vallescaldera.gov

Date: July 6, 2010
File Code: ADMIN 16

The Honorable Jeff Bingaman, Chairman
Energy and Natural Resources Committee
304 Dirksen Senate Building
Washington, DC 20510

RE: S. 3452 – Valles Caldera National Preserve Management Act

Dear Senator Bingaman:

Thank you for the opportunity to testify at the hearing on June 30, 2010. On behalf of the presidentially appointed members of the Board of Trustees, we ask that this letter be placed in the record as a supplement to our testimony. The hearing brought out several issues which we believe need to be addressed in the mark-up of the bill.

Staff of the Valles Caldera Trust:

The staff of the Valles Caldera Trust is comprised of dedicated public servants, who have successfully managed the Preserve since the Federal purchase of the property in July, 2000. They deserve public acclaim but, instead, their careers are in limbo. The bill should be amended to guarantee continued Federal employment for every full time staff member of the Trust. Accordingly, we recommend you amend section 4(c) (3) as follows:

(A) HIRING.—

(i) The Secretary shall hire on a noncompetitive basis at comparable positions any employee of the Trust who desires to continue Federal service on the staff of the Preserve or the Bandelier National Monument.

(ii) The Secretary and the Secretary of Agriculture may hire employees of the Trust on a noncompetitive basis for comparable positions on other units of the National Park System or National Forest System.

(B) SALARY. — [unchanged]

(C) INTERIM RETENTION OF ELIGIBLE EMPLOYEES. [Unchanged]

(D) TERMINATION FOR CAUSE. [Unchanged]

(E) COMPENSATION OF TRUSTEES. Trustees of the Valles Caldera Trust shall be entitled to such compensation as was provided under section 107(e) of Public Law 106-248 for the duration of their tenure as a Trustee or consultant to the Secretary.

Forest Restoration:

The foremost management need for the Preserve is forest restoration, and the public's use and enjoyment – indeed the public's safety – will depend on restoration. Approximately 60% of the land area of the Preserve is forested. Prior to the Federal land acquisition in 2000, and especially from 1963 to 1972 with the advent of logger jamming technology and road building, the Baca Ranch was intensively logged in large clear cuts resulting in the massive removal of all species and sizes. This type of logging was supported by a dense network of nearly 1000 miles of contour-parallel roads, sometimes less than 300 feet apart. On over 37,000 acres, dense stands of mixed conifers have replaced the climax species, primarily Ponderosa Pine. For the health of the forest and for public safety, these stands must be thinned by mechanical treatments and prescribed fire. Failure to do this will result in a disastrous conflagration that will be potentially worse than the Cerro Grande Fire of May, 2000.

The Trust is currently undertaking the preparation of an environmental impact statement to analyze a proposed Landscape Restoration and Management Plan for the forests, including mechanical treatments, prescribed burning, management of lightning caused wildfires, as well as erosion control activities including road management and stream restoration. This process must go forward and we strongly urge that the bill contain a forest restoration provision which will make this a management priority for the land managing agency.

S. 3452 currently does not have a provision addressing forest restoration, and some provisions could actually hamper necessary management activities (e.g. restrictions on activities over the elevation of 9,250 feet). We recommend additional language in section 3 along the following lines:

() FOREST AND LAND RESTORATION.

(1) Forest Management.—the forest lands on the Preserve shall be managed to promote forest health, reduce disease and insect infestation, and reduce the hazards of wildfire.

(2) The Secretary shall establish a Landscape Restoration and Management Program, based on the similar plan begun by the Valles Caldera Trust, with the objectives of:

(A) Decreasing forest density by mechanical treatments, prescribed burning and other mechanisms (including commercial timber sales);

(B) Using prescribed fire (including the management of lightning caused fires) to achieve resource benefits;

(C) Closing and rehabilitating roads;

(D) The prevention and eradication of noxious weeds, including mechanical treatment and herbicides.

(3) The Secretary shall incorporate the Landscape Restoration and Management Program as part of the Management Plan for the Preserve.

(4) The Secretary shall coordinate the Program with the Forest Service to assure compatibility with the Land and Resource Management Plan for the Santa Fe National Forest.

Wildlife Management:

Another environmental threat to the Preserve is the proliferation of elk. Elk populations have a direct effect on the grasslands, affect riparian habitats, and often trample archaeological and cultural resources. Inasmuch as the Preserve acts as a nursery for elk, these population impacts are felt on the Preserve and the adjacent National Forest lands. The only effective control tool is hunting. There are currently three game management units designated by the New Mexico Department of Game and Fish for the entire Jemez Mountains of which the Preserve is one unit. Coordination of game limits throughout the Jemez Mountains is essential. Therefore, we recommend amending section 3(f) by adding a paragraph (3) as follows:

(3) Elk limits. Hunting levels on the Preserve shall be permitted pursuant to limits established by the New Mexico Department of Game and Fish based on game management units for the Jemez Mountains, including the Santa Fe National Forest.

Cultural Resources:

The bill repeals section 105(g) of the Valles Caldera Preservation Act of 2000 pertaining to Redondo Peak. Those provisions were carefully negotiated between the Pueblos and the Forest Service and provide for special protections and use of Redondo Peak. In the last decade, that provision of law has provided an important and successful measure of protection for Native American religion and culture. S. 3452 should retain all the provisions of section 105(g) of the existing law.

Volcanic Domes and Other Peaks:

The limitation in section 3(h) of activities on lands above 9,250 feet is arbitrary, unnecessary, and will inhibit necessary forest restoration activities. The Trust has mapped the areas subject to that limitation and it would encompass substantial forest areas that are in need of restoration activities. There would be ample existing law to allow for the closure of areas to motorized access in the event of a management need. Because we recommend retention of the Redondo Peak provisions already in section 105(g) of the Valles Caldera Preservation Act of 2000, this elevation requirement is unnecessary. Therefore, we recommend deletion of section 3(h).

Range Management:

The grasslands on the Preserve offer a number of management opportunities. A major impetus to enactment of the original Valles Caldera Preservation Act was the retention of some vestiges of traditional ranching as practiced in New Mexico. That ranching tradition still offers opportunities for the visitor interpretation, and modest income production. However, as written, section 3(e) of S. 3452 unduly limits grazing to those areas of the season preceding enactment. This standard ignores best range management practices. Currently, grazing on the Preserve has no negative impact on available forage. We recommend that grazing be permitted where it does

not impair the preservation and public enjoyment of the Preserve, and not exceeding levels where forage consumption exceeds forage production. We also recommend that grazing fees continue to be based on commercial rates and that the land manager be allowed to retain grazing receipts on site. Therefore, we recommend rewording section 3(e) as follows:

(e) Grazing.

(1) In General.—The Secretary shall allow the grazing of livestock on the Preserve to continue insofar as grazing does not impair the preservation and public enjoyment of the Preserve, and at levels where forage consumption does not exceed forage production on those areas designated for grazing.

(2) Rates.—The Secretary shall charge grazing fees commensurate with private commercial fees.

Ecosystem Coordination:

As written, S. 3452 virtually ignores the fact that the Preserve is surrounded by almost a million acres of National Forest. Indeed, the planning requirements of section 3(b) (4) (C) do not even require consultation with the Forest Service. That section should be amended to require consultation with the Forest Service. Similarly, section 3(b) (3) should be amended to add at the end the words, “and the Santa Fe National Forest.”

Summary and Conclusions:

As the managers of this extraordinary land for the last decade, the Trust feels uniquely qualified to comment on S. 3452. The fact is that this land had been altered significantly for decades prior to Federal acquisition. No matter who manages it, the Preserve requires special attention to address its unique needs. While we have tried to address some of those requirements above, the fact is that the bill provides cursory consideration of some very important matters.

As written, we believe S. 3452 is inadequate to meet the needs of the Preserve. We fear this matter is being legislated too quickly, and our professional staff is concerned that complicated land management considerations are not being adequately aired. A more judicious approach over the next year would afford the opportunities to address what is best for the land and its resources, and to devise a management regime that will best meet those needs. There is no emergency as the land is being well managed in the public interest. We urge the Committee to take the necessary time to consider all the relevant issues.

Thank you for your consideration.

Sincerely,

Stephen E. Henry
Chairman, Board of Trustees

