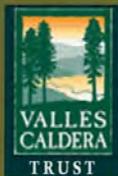


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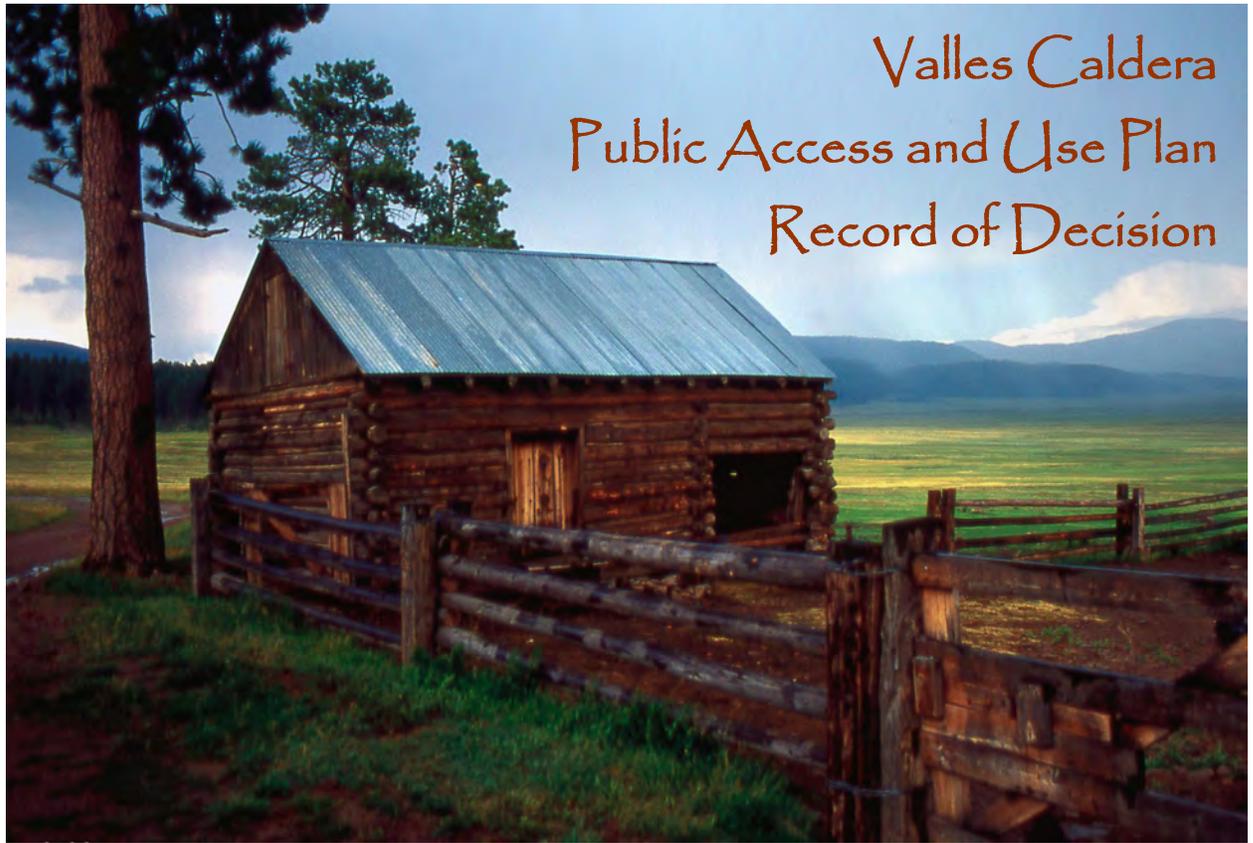
Public Access
and Use Plan

Record of
Decision



December 5, 2012

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A record of decision (ROD) is a concise public record of decision prepared by a federal agency (in this case, the Valles Caldera Trust), pursuant to the National Environmental Policy Act. This ROD includes a statement of the decision based on analysis of the alternatives presented in the environmental impact statement, identification of all alternatives considered, identification of the environmentally preferable alternative, a statement as to whether all practical means to avoid or minimize environmental harm from the alternative selected have been adopted (and if not, why they were not), and a summary of monitoring and enforcement where applicable for any mitigation (40 CFR 1505.2).



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The Valles Caldera Trust (VCT) has prepared this Record of Decision (ROD) on the *Public Access and Use Plan/Final Environmental Impact Statement (EIS)* for the Valles Caldera National Preserve, New Mexico. This ROD includes a statement of the decision made based on analysis of the alternatives presented in the EIS, synopses of other alternatives considered, the basis for the decision, a description of the environmentally preferred alternative, a listing of measures to minimize environmental harm, and an overview of public involvement in the decision-making process.

Project Purpose

The purpose of the plan is to expand the current level of public access and use on the preserve while protecting and preserving its natural and cultural resources and values and to provide quality outdoor recreation and interpretive opportunities that promote long-term financial self-sustainability consistent with other purposes. The plan is being proposed to address the goals for comprehensive management of the lands and facilities of the preserve established by Congress in the Valles Caldera Preservation Act. The purpose of the plan includes two components:

- Establish a long-term vision of how public access and use would be managed on the preserve.
- Implement the development of a portal, or physical point of access, to the preserve as the first step in transitioning from the current interim recreation program to facilitate long-term public access and use.

The most applicable language in the act includes the following:

- 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. (16 USC 698v-3[b])
- [Provide] the public [with] reasonable access to the preserve for recreation purposes. (16 USC 698v-6[e])
- [R]easonably 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. (16 USC 698v-6[e])
- Develop a comprehensive program for the management of lands, resources, and facilities within the preserve. (16 USC 698v-6[d])
- [Optimize] 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. (16 USC 698v-6[d])
- Promote long-term financial sustainability consistent with the other purposes [listed above]. (16 USC 698v[b])

Decision (Selected Action)

The selected action is the alternative that the VCT believes would fulfill its statutory mission and responsibilities, giving consideration to economic, environmental, technical, and other factors. Based on these factors (described in more detail below), the VCT will implement Alternative 3A: Entrada del Valle Visitor Center— Primary Access via Shuttle System as described in the *Final Public Access and Use Plan Final Environmental Impact Statement* issued in November 2012. By implementing this alternative, the VCT will fully accomplish the stated purpose of taking action, described above.

The central feature of alternative 3A is the development of a full-service visitor and interpretive center in the preserve near the Valle Grande to provide interpretive and other services to visitors. A trail from the visitor center would provide access to the East Fork of the Jemez River, overlooks, picnic areas, staging for groups and special events, and interpretive sites. Over time, hikers could access a variety of trails directly from this day-use area. Services and amenities would include covered drop-off, lobby, reception, and orientation areas; a theater; a main exhibit hall; a temporary exhibit hall; classroom/meeting space; retail and food service space; restrooms; and indoor/outdoor observation decks. Access into the preserve, beyond the visitor center, would be primarily by shuttle; personal vehicles would be allowed for specific activities by permit only. Facilities and infrastructure developed in the future would include fishing access, trailheads, overlooks, and picnic areas. These areas would include shuttle stops, parking for up to five vehicles, restrooms, trash and recycling receptacles, and interpretive signs. Hiking trails would be expanded to provide short day loops and multi-day backpacking opportunities.

The alternatives considered in the plan include both implementation-level actions and programmatic-level decisions. The decision on the implementation-level actions will allow the design and construction of a visitor center and related facilities within the Entrada del Valle site. These implementation-level decisions are site-specific actions to be implemented following the publication of this ROD. Additional engineering and design work will be completed during this process to determine the most efficient layout of the site. The conceptual designs presented in the EIS provide a guide to the scale and range of facilities expected to be developed at the visitor center, but the exact placement of structures, parking lots, picnic areas, and other infrastructure will be determined during final design, allowing the VCT to maintain flexibility by responding to site-specific details as design issues and criteria arise. These decisions may be implemented without further review under the National Environmental Policy Act (NEPA).

Programmatic-level decisions guide or prescribe future actions. For the preferred alternative, these actions include selection of a shuttle system as the primary means of transportation within the preserve, development of single-lane roads and bicycle paths, parking areas at fishing accesses and trailheads, recreation facilities, additional staging or visitor contact areas, development of equestrian facilities and access, and development of primitive educational or ecotourism facilities. The EIS considered only a general area of impact that could occur in any area of the preserve. These

programmatic elements of the alternative will be further defined and will require additional planning and decision-making in compliance with NEPA prior to implementation.

The selection of the preferred alternative was made following careful consideration of the potential impacts of each of the alternatives presented in the EIS. The VCT's Executive Director also reviewed and considered the comments submitted by the public, including agencies, organizations, and individuals, and the unanimous recommendation of the Board of Trustees put forward at a public meeting of the board on September 20, 2012. The Executive Director finds that alternative 3A would allow the trust to "expand the current level of public access and use on the preserve while protecting and preserving its natural and cultural resources and values and to provide quality outdoor recreation and interpretive opportunities that promote long-term financial self-sustainability consistent with other purposes," which is the stated purpose of this plan. The selection of this alternative would best fulfill the statutory mission and responsibilities of the trust.

The VCT acknowledges that alternative 3A will impact the preserve's biological and physical environment, including its historic, cultural, and natural resources as disclosed in this document. Section 108(d) of the Valles Caldera Preservation Act directs the VCT to implement a program that "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" (16 USC 698v). Therefore, the VCT must find a balance between providing for multiple use while protecting the preserve's long-term values.

The Valles Caldera Board of Trustees noted that the Entrada del Valle site will welcome visitors into the preserve and that the location being offset from the Valle Grande will not overtly alter the view and experience for visitors or people traveling through the area. All members of the Board of Trustees supported primary access via a shuttle system, and agreed that the shuttle system would help maintain the values that people felt for the preserve, protect the environmental and cultural resources on the preserve, and ultimately provide the best visitor experience. Additionally, alternative 3A, which would be located in the vicinity of South Mountain, was the most favored alternative noted by members of the public expressing support for one alternative or another, with the shuttle system being expressed as a preference by many who did not have a preferred site for the visitor center/contact station. The public and agency involvement process that supported the decision is summarized in chapter 5 of the Final EIS.

Other Alternatives Considered

Five other alternatives were analyzed in the EIS:

Alternative 1: No Action. This alternative would result in the removal of the Valle Grande and Banco Bonito staging areas and the elimination of the interim recreation program. The VCT would phase out current access through these staging areas and would phase out interim programs and activities. Access for the grazing or other land management activities would continue consistent with decisions and

environmental documents guiding those specific actions. The current tribal access policy would continue.

Alternative 2: Banco Bonito Visitor Contact Station. A small-scale visitor contact station would be developed at the Banco Bonito area in the southwestern part of the preserve. Additional development would include day-use facilities, a small parking area, and double-lane roads at specific locations to provide access into the preserve for personal vehicles and/or shuttles. Nonmotorized access from the visitor contact station would be generally open and unlimited. Shuttles would be incorporated into the transportation system to provide primary access on high-use days and in support of special events and tours. Facilities and infrastructure would include fishing access, trailheads, overlooks, and picnic areas, including parking lots for up to 10 vehicles in the backcountry. Hiking would be expanded to provide short day loops and multi-day backpacking opportunities. Pedestrian, equestrian, and mountain biking access would be managed to reduce conflicts while minimizing controls and restrictions. Reservations would continue to be an important tool for popular activities and for arranging group and educational access.

Alternative 3B: Entrada del Valle Visitor Center—Primary Access via Personal Vehicle. This alternative would be the same as alternative 3A, with the exception of how the preserve would be accessed. Under alternative 3B, the primary mode of transportation onto the preserve would be personal vehicles. Shuttles would only be used for tours and group events or to reduce congestion on high-use days. Similar to alternative 3A, facilities and infrastructure developed in the future would include fishing access, trailheads, overlooks, and picnic areas. However, under alternative 3B additional parking areas and larger parking lots would be warranted in the preserve's interior to accommodate the use of personal vehicles.

Alternative 4A: Vista del Valle Visitor Center—Primary Access via Shuttle System. This alternative is similar to alternative 3A but would locate the full-service visitor and interpretive center south of NM-4 below Rabbit Mountain, overlooking the Valle Grande. Services and amenities would be the same as under alternative 3A. Alternative 4A would develop a day-use area focused on views of the Valle Grande, interpretation of geology, and proximity to Bandelier National Monument. An underpass would be developed to provide access below NM-4 for wildlife viewing. Interpretive trails and picnic areas would be developed south of NM-4, also emphasizing views of the Valle Grande. Like alternative 3A, a shuttle system would serve as the primary mode of access into the preserve.

Alternative 4B: Vista del Valle Visitor Center—Primary Access via Personal Vehicle. This alternative would be the same as alternative 4A, with the exception of how the preserve would be accessed. Under alternative 4B, the primary mode of transportation onto the preserve would be personal vehicles. Shuttles would only be used for tours and group events or to reduce congestion on high-use days. Similar to alternative 4A, facilities and infrastructure developed in the future would include fishing access, trailheads, overlooks, and picnic areas. However, under alternative 4B additional parking areas and larger parking lots would be warranted in the preserve's interior to accommodate the use of personal vehicles.

Alternatives Considered but Dismissed

Other alternatives considered but dismissed from further analysis because they did not meet the purpose of and need for action or were not technically or economically feasible are described in this section.

Continuation of the Interim Recreation Program

The current interim recreation program does not meet the purpose of and need for action (expanding access, protecting and preserving resources, and contributing to financial self-sufficiency). The program has not provided a satisfactory experience to the broader public and is not cost effective. Therefore, it was eliminated from detailed analysis.

Open Access for Dispersed Recreation: the Valle Vidal Model

The Valle Vidal is managed by the Carson National Forest in northern New Mexico for open access for dispersed recreation. Compared to Valle Vidal, the preserve's closer proximity to population centers make it likely that it would receive much higher visitation, which would likely result in damage to natural resources and impairment of the quality of recreational experiences. Specific elements of the Valle Vidal management model are inappropriate for management of the preserve based on the Valles Caldera Preservation Act, such as permitting open access to all-terrain vehicles on all open roads, permitting open access for snowmobiles, permitting parking within 30 feet of all open roads, and allowing area-wide firewood collection. The Valle Vidal model of land management would be inconsistent with this plan's purpose of and need for action, specifically resource protection and preservation, encouraging nonmotorized access and enjoyment, and minimizing the impacts and disturbance of motorized vehicles on resources, wildlife, and recreational enjoyment of the preserve.

Wilderness/Roadless Management Emphasis: San Pedro Parks Wilderness Model

VCT staff developed an alternative that included closing motorized access, removing or preserving in situ all facilities, and providing access points for dispersed, unregulated, nonmotorized use along the preserve's perimeter. This option would manage the preserve similar to San Pedro Parks Wilderness northeast of Cuba, New Mexico. The wilderness is nonmotorized but permits grazing and hunting. There are no developed facilities beyond informational and directional signs, as required for designated wilderness areas. While technically and economically feasible, this alternative would not meet the purpose of and need for action. It would limit access to a narrow demographic as opposed to expanding or broadening access. In addition, this alternative would not meet the spirit of the preserve's enabling legislation, which promotes a multiple-use landscape as opposed to wilderness or roadless management.

Smaller-scale Development at Valle Grande Locations

This alternative proposed the development of a small-scale visitor facility in the Valle Grande. However, it would not be economically feasible to invest in a facility

designed to serve only a small number of visitors and provide limited service in the Valle Grande. Further, based on the anticipated level of visitation, the capacity of a smaller-scale facility situated in a highly visible and attractive location would likely be exceeded during peak visitation.

Visitor Center at the Current Valle Grande Staging Area

The current staging area in the Valle Grande is already disturbed and therefore a possible location for a visitor center or visitor contact station. However, the facilities at the staging area can be viewed from many locations both inside and outside the preserve, interfering with the primarily unspoiled view of the Valle Grande. The purpose of the preserve, as defined by the Valles Caldera Preservation Act, includes protecting and preserving its scenic values. The VCT believes it is imperative to leave this view as untouched as possible. Furthermore, the 2005 *Valles Caldera National Preserve Master Plan for Interpretation* calls for restricting built interpretive facilities to the periphery of the preserve to minimize environmental and visitor impacts. For these reasons, building a permanent visitor facility in the location of the current staging area has been dismissed from further analysis.

Visitor Center at the Headquarters Area

The VCT considered developing visitor services at the headquarters area located west of alternative 3A/3B. This alternative was eliminated for several reasons. The ranch headquarters site is eligible as a historic district under the National Historic Preservation Act. Increasing access to and construction of modern buildings in this area could compromise the historic integrity of the site, as well as its eligibility. These actions would not support the protection and preservation of the preserve's historic and cultural values as called for under the Valles Caldera Preservation Act (PL 106-248) (16 USC 698v). In addition, the location is not technically feasible from a maintenance standpoint. It would not be possible to maintain access to the area year-round due to the amount of snow the access road receives. The electrical power supply at this location is also insufficient for supporting a visitor center. Furthermore, the water table in this location is very high, making treatment of wastewater difficult. For these reasons, creating a visitor center at the headquarters area was eliminated from further analysis.

Basis for Decision

The EIS must identify the alternative or combination of alternatives that would, in the professional judgment of the VCT, be most effective and efficient in protecting significant resources and providing for public enjoyment. This standard guided the identification of a preferred alternative. In formulating a preferred alternative, the VCT made findings relative to direction provided under Section 1505.2 of NEPA, which states:

An agency may discuss preferences among alternatives based on relevant factors including economic and technical considerations and agency statutory missions. An agency shall identify and discuss all such factors including any essential considerations of national policy

which were balanced by the agency in making its decision and state how those considerations entered into its decision.

Alternative Elements

Location of Development

Multiple criteria for determining the location of a visitor center were considered, including the following:

- association with the Valle Grande (key feature for attracting spontaneous visitors)
- previous disturbance or development (avoiding new disturbance)
- access to utilities, water, and wastewater
- sustainability, energy use
- maintenance costs
- impacts on views
- types of day-use activities that could be supported

No location met all of these criteria; however, alternative 3A met most of them to a large degree.

- The location of the alternative 3A site is in proximity to and will provide views of the Valle Grande.
- The site has good water sources and options for creating viable and reliable water and utility supplies to the visitor center.
- The facilities incorporate many sustainable design features that will minimize energy use and maintenance costs.
- Visual simulations developed for the EIS show that the visitor center will be visually obscured from some vantage points on NM-4 by topography, and would not be visible across the Valle Grande from the headquarters area.

The alternative 3A site will not avoid new disturbance. The new facilities will also require a new access road from NM-4 through undisturbed land. Because few areas of the preserve have been previously developed, locations that provide benefits such as those mentioned above require new disturbance. The VCT determined that the advantages provided by the alternative 3A site offset impacts to its undisturbed condition.

Scale of Development

On public lands with large numbers of visitors, such as national and state forests and parks, infrastructure elements such as maintained roads, campgrounds, parking lots, trailheads, and restrooms are used to protect resources and influence activity patterns. Impacts are typically highly concentrated around attractions and recreational facilities, as well as along the travel routes that connect them. Although people who provided public comments expressed strong support for resource

protection, they expressed low to moderate support for the development of recreation facilities.

Alternative 3A will incorporate long-term sustainability concepts into programs and facilities for public access and use, as called for in comments received during scoping and as directed by Executive Order 13514, “Federal Leadership in Environmental, Energy, and Economic Performance,” signed October 5, 2009. Alternative 3A includes efficient, Leadership in Environment and Energy Design designs and the potential to develop a solar energy system to reduce future operations and maintenance costs and energy consumption. Alternative 3A will protect resources while providing recreational facilities for the public.

Access via Personal Vehicles versus Shuttle System

While some public comments received during scoping and from participants in the interim recreation program expressed a strong desire for unmanaged access to the preserve via personal vehicles, comments also consistently placed a high value on the quiet and sense of solitude experienced on the preserve. Some comments expressed both a desire to minimize road improvements and a desire for access via personal vehicles. The VCT believes that the impacts from personal vehicle use, analyzed under alternative 3B in the EIS, would be greater than the impacts of shuttle use for a variety of reasons. For example, shuttle use is expected to minimize noise impacts, best preserving the preserve’s natural sounds and sense of solitude, and minimize impacts to the preserve’s wildlife, particularly elk.

Lodging

Limited lodging is currently available on the preserve. Expanding full-service lodging could be a major attraction and could lead to an increase in visitation to the preserve year-round, potentially contributing to economic sustainability. However, public comments received during scoping were overwhelmingly against such development. In addition, the development of lodging on the preserve could compete with existing lodging in Jemez Springs, La Cueva, Los Alamos, and White Rock, and thus conflict with the Valles Caldera Preservation Act goal of benefiting local communities and small businesses.

The goal of the EIS is to address public access to and use of the preserve, and a lack of lodging is not currently limiting public access. In addition, the viability of sources to fund the expansion of lodging is uncertain, and specific economic analyses are needed to determine whether available funding would be sufficient. Therefore, alternative 3A does not include provisions for lodging on the preserve.

Environmental/Cultural Resources Impacts

Impacts on the Valles

The proposed development of facilities and infrastructure, and the associated increase in access and use, could impact the character and ecology of the vast montane grasslands and associated riparian areas of the preserve’s valles. Alternative 3A will not be located within the preserve’s valles, but will provide views of the Valles Grande and educational and interpretive material to educate visitors about

these special areas. Programmatic level actions will not include development in the valleys, which are also used by elk for grazing and calving. Several mitigation measures will be implemented under alternative 3A to minimize impacts to the preserve's elk herd, which in turn will minimize impacts to the valleys.

Impacts on Elk

Alternative 3A will substantially increase the presence and distribution of people in the Valle Grande during elk calving periods, potentially impacting the elk herd. As mentioned above, several mitigation measures will be implemented under alternative 3A to minimize impacts to the preserve's elk herd, described in more detail under "Measures to Minimize Environmental Harm," below.

Impacts on Cultural Resources

Alternative 3A will substantially increase the presence and distribution of people throughout the preserve. Cultural resources on the preserve under the protection of the National Historic Preservation Act could be impacted by visitors. Mitigation measures will be implemented under alternative 3A to minimize impacts to the preserve's cultural resources, described in more detail below. In addition, the VCT will continue to consult with the State Historic Preservation Office (SHPO) and local Tribes and Pueblos to protect important cultural resources, described under "Overview of Public Involvement," below.

Effects on Tribal Access and Areas of Importance

The preserve is a place of cultural and religious significance to area Tribes and Pueblos. Currently the VCT manages special access for cultural pursuits under the Tribal Access and Use Policy, signed in 2004. Among other provisions, this policy allows exclusive tribal access by request. Increased use and distribution of visitors could conflict with cultural access to and use of these special areas. As described above, the VCT will continue to consult with local Tribes and Pueblos to protect important cultural resources, described under "Overview of Public Involvement," below.

Cost/Feasibility

Logistics/Costs for Development

No building footprint or utilities currently exist to support the development of a visitor center along NM-4 near the Valle Grande. However, NM-4 provides easy access to stunning views of the Valle Grande, which is the central feature that attracts visitors to the preserve, making a visitor center along this highway a viable option. The alternative 3A location is easily accessible from NM-4 near the Valle Grande and has good water sources and options for creating viable and reliable water and utility supplies to the visitor center. This location will provide views of the Valle Grande as well as access to the interior of the preserve.

The VCT has a variety of fund raising mechanisms authorized by the Valles Caldera Preservation Act. However, the VCT acknowledges that it may not be able to obtain a single payment to implement the plan in its entirety, and that funding may

be acquired over time instead. Therefore, the VCT has prioritized elements of the plan to develop incrementally, with the final goal being the implementation of the entire plan, as listed below:

1. Remove existing temporary staging facilities from the Valle Grande and establish a portal for the public to access the preserve.
2. Develop a facility to greet and orient visitors and offer a day-use experience (i.e., the visitor center).
3. Develop a transportation system and associated infrastructure to allow visitors to access the preserve for recreational activities while protecting the preserve's resources.
4. Expand services provided at the visitor contact station / visitor center to meet the interpretive and experiential goals of the 2005 *Valles Caldera National Preserve Master Plan for Interpretation*.

Alternative 3A will cost slightly more to develop than alternative 3B due to the provision of a shuttle system. However, the cost difference is not significant (approximately \$27,615,260 for alternative 3A versus \$25,043,760 for alternative 3B). After the outlay of capital costs for construction, the sustainable design concepts identified for alternative 3A are expected to provide long-term cost savings in the future, such as through increased energy savings.

Future Preserve Management

Potential Transfer of the Preserve to the National Park Service

Senate Bill 1689, which would have transferred administration of the preserve to the NPS, passed committee review in 2010 but did not make it through the Congress. The proposed transfer was again introduced in the Senate in 2011. It is possible that such a transfer could occur in the future. Alternative 3A is consistent with both the Valles Caldera Preservation Act and the language of the legislation currently being considered. The VCT will continue operating under its existing legislation and will adjust to any changes accordingly.

VCT Statutory Missions

Alternative 3A incorporates directives from the VCT's statutory missions, including the Valles Caldera Preservation Act. The Valles Caldera Preservation Act of 2000 (PL 106-248) directs the VCT to manage the preserve through the development of a comprehensive management program. The act specifically stresses the protection and preservation of resources in conjunction with reasonable public access. The act directs the VCT to "develop a comprehensive program for the management of lands, resources, and facilities within the preserve." Further, the act specifies that the program should provide for

1. operation of the preserve as a working ranch, consistent with paragraphs (2) through (4) [of the act];

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. (16 USC 698v-6[d][1–6])

Management goals put forward in the act also framed the management responsibilities and authorities of the VCT, including maintenance, rehabilitation, repair, and improvement of property in the preserve. In addition, the act authorizes the Secretary of the Department of Agriculture to “construct and operate a visitors’ center in or near the preserve” (16 USC 698v-7[a][9]) at the request of the VCT.

The act envisioned that the VCT would collect revenues from four sources:

- fees for public access and use
- multiple use and sustained yield of renewable resources, such as timber and forage
- donations to the VCT from individuals and organizations
- interest on funds deposited at the U.S. Treasury

National Policy Considerations

NEPA Procedures of the Valles Caldera Trust for the Valles Caldera National Preserve

The VCT adopted procedures for implementation of NEPA, including the following management principles. These principles have been incorporated in Alternative 3A.

- administering the preserve with the long view in mind, directing efforts toward the benefit of future generations
- protecting the preserve’s ecological, cultural, and aesthetic integrity

- exercising restraint in the implementation of all programs, basing them on sound science, and adjusting them in a manner consistent with the principles of adaptive management
- being a good neighbor to surrounding communities
- striving to generate positive impacts
- recognizing the religious significance of the preserve to Native Americans and accommodating the religious practices of nearby Tribes and Pueblos, protecting sites of special significance
- cooperating with adjacent landowners and managers to achieve a healthy regional ecosystem
- integrating opportunities for research, reflection, and education into the preserve's programs
- emphasizing quality of experience over quantity of experience
- providing fair and affordable access for all permitted activities

Cultural Resource Consultation

To avoid duplication of efforts, the VCT used the NEPA process to achieve public notification for the National Historic Preservation Act (NHPA) Section 106. Concurrent notification and comment periods for were used for NEPA and NHPA. Tribal governments and SHPO were included in communications throughout the development of the EIS. Consultation is discussed in more detail under "Overview of Public Involvement," below.

Threatened and Endangered Species Consultation

Formal consultation under Section 7 of the Endangered Species Act was not warranted for this project. The U.S. Fish and Wildlife Service (USFWS) was informed of the planning process in concert with the public and other agencies and organizations.

Executive Order 11990, "Protection of Wetlands"

Executive Order 11990 directs federal agencies to avoid to the extent possible long- and short-term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative. Mitigation measures will be taken under alternative 3A to protect wetlands as described under "Measures to Minimize Environmental Harm," below.

Clean Water Act

Section 404 of the Clean Water Act (33 USC 1251–1376), as amended, is a program that regulates the discharge of dredged or fill material into waters of the United States, including wetlands. Proposed activities are regulated through a permit review process administered by the U.S. Army Corps of Engineers (USACE). All actions that would involve impacting waters of the United States will be

coordinated, permitted, and mitigated with the participation and guidance of the USACE.

Migratory Bird Treaty Act of 1918

The Migratory Bird Treaty Act of 1918 (16 USC 703–712) makes it illegal to “pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry, or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export, at any time, or in any manner, any migratory bird, included in the terms of this Convention . . . for the protection of migratory birds . . . or any part, nest, or egg of any such bird” (16 USC 703). Mitigation measures will be taken under alternative 3A to protect wildlife, including migratory birds, as described under “Measures to Minimize Environmental Harm,” below.

Executive Order 13514, “Federal Leadership in Environmental, Energy, and Economic Performance”

This executive order sets sustainability goals for federal agencies and focuses on making improvements in their environmental, energy, and economic performance. The executive order requires federal agencies to set a 2020 greenhouse gas emissions reduction target, increase energy efficiency, reduce fleet petroleum consumption, conserve water, reduce waste, support sustainable communities, and leverage federal purchasing power to promote environmentally responsible products and technologies. Alternative 3A includes several sustainable design concepts that address these requirements, such as increasing energy efficiency and conserving water.

Environmentally Preferred Alternative

Section 1505.2(b) of NEPA requires that, in cases where an EIS has been prepared, the ROD must identify all alternatives that were considered, “specifying the alternative or alternatives which were considered to be environmentally preferable.” According to the Council on Environmental Quality (CEQ), “the environmentally preferable alternative is the alternative that will promote the national environmental policy as expressed in NEPA’s Section 101. Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources” (CEQ 1981). CEQ notes that “the concept of the ‘agency’s preferred alternative’ is different from the ‘environmentally preferred alternative’” and the CEQ “recognizes that the identification of the environmentally preferable alternative may involve difficult judgments...” (CEQ 1981).

The VCT has identified alternative I, the no-action alternative, as the environmentally preferred alternative based on the guidance from CEQ. The minimal level of access and careful management of such access called for under alternative I would cause the least damage to the biological and physical environment and would best protect, preserve, and enhance the preserve’s historic,

cultural, and natural resources. However, alternative I would not meet the project's purpose, as stated above.

Measures to Minimize Environmental Harm

The VCT has identified the monitored outcomes in relation to specific goals and objectives to support this plan's purpose, which will be used to implement adaptive management as described in the VCT's NEPA procedures.

Goals and Objectives

Goal 1: Expand access and enjoyment of the preserve to local, regional, national, and international visitors to the Jemez Mountains while protecting and preserving cultural and natural resources and values.

Objective 1A: Provide public use of and access to the preserve for recreation consistent with the preserve's overall management goals for protection and preservation.

Objective 1B: Manage the distribution of visitors and uses across the landscape to minimize impacts.

Objective 1C: Expand opportunities for students, educators, researchers, and institutions to learn and teach about the preserve's natural and cultural resources.

Goal 2: Protect and preserve the scientific, scenic, geologic, watershed, fish, wildlife, historic, cultural, and recreational values of the preserve.

Objective 2A: Control or limit access (by time or place) to protect wildlife, permit special uses and activities, and provide for public health and safety.

Objective 2B: Minimize the impacts and disturbance of motorized vehicles on natural and cultural resources and recreation.

Objective 2C: Incorporate resource conservation topics into educational opportunities for visitors.

Goal 3: Minimize the carbon footprint of visitor access and use, as well as maintenance and operations activities, by incorporating sustainable management practices.

Objective 3A: Incorporate sustainable design and building practices into infrastructure development.

Objective 3B: Encourage nonmotorized access and enjoyment.

Objective 3C: Incorporate sustainability topics into educational opportunities for visitors.

Goal 4: Optimize the generation of income and promote long-term financial sustainability in a manner consistent with long-term protection and preservation of resources and values.

Objective 4A: Identify opportunities to generate income that are consistent with the requirements of the Valles Caldera Preservation Act, (i.e., fees for

public access and use; multiple use and sustained yield of renewable resources, such as timber and forage; donations from individuals and organizations; and interest on funds deposited at the U.S. Treasury).

Objective 4B: Identify effective methods to reduce management and operating expenditures.

Monitoring

The VCT proposes to monitor the following outcomes as metrics toward meeting the objectives listed above. The monitored outcomes being proposed are one to five years.

The VCT will monitor the impacts of visitor use and access. Impact indicators would include erosion, the presence of social trails, the proliferation of noxious weeds, species composition, changes to habitat or migration, the effects of hunting on species numbers and habitat, and the effects of motorized vehicle use. The VCT will document changes using field sampled data or other data. Data are generally collected every one to three years and are assessed every three to five years to detect trends. The approximate proposed survey intervals are as follows:

- Trails along streams: 1–3 years
- Social trails associated with hiking routes: 1–3 years
- Motor vehicle impacts adjacent to roads: 1–3 years
- Noxious weeds: annually
- Species composition: annually
- Water quality: constantly during the frost-free season
- Cultural resources at trailheads and other high visitor use areas: 1-3 years

The VCT will monitor visitor enjoyment and satisfaction through visitor comments, formal surveys, and observations from recreational staff. The VCT will provide opportunities for visitors to comment at visitor contact stations or visitor centers, at staff-led recreational and education events, and on the preserve's website. The VCT will use formal surveys scientifically designed and administered to quantify trends in visitor satisfaction. Staff members will monitor visitor safety by reporting injuries or emergencies and evaluating their causes.

Mitigation Measures

The VCT will implement the following mitigation measures:

- Conduct construction and waste disposal activities in accordance with applicable local, state, and federal statutes and regulations.
- Implement best management practices as defined under the New Mexico Environment Department Air Quality Bureau San Juan Voluntary Innovative Strategies for Today's Air Standards program, a voluntary emission control program to help improve air quality.

- Prepare a construction emissions mitigation plan, which will include use of cleaner fuels, such as low-sulfur diesel, in construction equipment.
- Prevent wildlife from consuming artificial food sources, implement regulatory actions, provide information and education to visitors, control any problem animals, and conduct research and monitoring to help prevent wildlife from becoming conditioned to human foods.
- Influence visitor behavior toward wildlife through education and interpretation programs.
- Site new visitor recreational facilities to avoid or minimize wildlife critical life stage habitat, water and forage resources, wildlife travel corridors, and escape terrain.
- Define minimum approach distances between visitors and wildlife based on wildlife flight distances for roadways and nonmotorized trails.
- Implement area closures, including roads and trails, when necessary to protect wildlife, particularly during critical life stages such as calving and rut. Consider limiting the number of recreationists on trails or using specific facilities if warranted to protect wildlife.
- Route recreation facilities and activities away from key elk foraging areas and reduce human intrusions into areas where ungulates are limited or areas of high quality habitat.
- Establish designated travel routes to make human use of elk wintering areas as predictable as possible.
- Monitor elk use of areas that receive high winter use by skiers and snowshoers.
- Enforce travel restrictions on ungulate winter ranges and use signs to inform users of the importance of ungulate winter range and to keep a specific distance away from elk and deer.
- Use signs to inform users of the importance of keeping a distance from elk calving areas.
- Retain important vegetative cover for elk and mule deer.
- Incorporate blinds or visibility shields to reduce human intrusions on elk activity while facilitating visitor viewing.
- Consider creating recreation zones to allow certain recreational activities in some areas but not in others.
- Conduct surveys for golden eagle nests in suitable habitat prior to short-term deconstruction and construction activities. Allow a 660-foot buffer between the nest or key use areas and the use of heavy equipment or land clearing.

- Evaluate and monitor wildlife impacts and apply adaptive management to address recreation and wildlife concerns as needed (e.g., spatially and temporally separate humans and wildlife from key areas at critical times by closing roads or trails, changing access points, and/or implementing a zoning strategy in which recreational uses are allowed in carefully selected areas).
- Conduct surveys for Jemez Mountain salamanders or suitable habitat characteristics prior to activities proposed in potentially suitable salamander habitat. If any salamanders are found, the VCT will consult with the USFWS on the potential impacts and the following mitigation measures:
 - Avoid the activity at those locations during the time of the salamander's highest activity when conditions are saturated during summer monsoonal rains, approximately mid-July through August.
 - Avoid ground disturbance at those locations such as excavation, churning, compaction, or any activity that reduces interspaces and subsurface channels to the extent practicable.
 - Avoid vegetation modification at those locations to the extent that ground surface microclimate is made drier or otherwise altered through increased exposure to sun and wind.
 - Consult with the New Mexico Endemic Salamander Team to define appropriate and feasible site-specific mitigation methods for potential impacts.
- Adopt mitigation measures to minimize the potential for downslope erosion near NM-4 that could occur from highway lane modifications.
- Implement a stormwater pollution prevention plan to address potential impacts from stormwater flowing over construction sites, resulting in no change to the long-term sustainability of the preserve's water resources from construction-related activities. The plan would also address mitigation for soil disturbance and dust generation during construction and during the removal of the existing facilities.
- Avoid impacts to streams and wetlands where practicable and minimize impacts where unavoidable; incorporate avoidance and minimization measures into final design. Where practicable, active restoration of wetlands and streams will be incorporated as construction tasks. Unavoidable impacts will be fully mitigated on site with restoration of in-kind resources.
- Conduct wetland determinations and delineations prior to final design. Develop culvert plans for drainage crossings during final design.
- Identify an area of potential effects for the proposed visitor contact station, parking lots, picnic areas, and road improvements would be identified and the Section 106 process completed to assess the effects of the construction and use of the new visitor facilities and removal of the staging areas on cultural resources.

- Notify appropriate Pueblos or Tribes if any new cultural resources sites are discovered or artifacts removed, and provide photographs of any such items.
- Work with local Tribes and Pueblos to identify methods of sustaining on-site visits for cultural and religious practices without interference from increased public visitation, as well as identify and protect areas where Tribes and Pueblos gather important medicinal plants, herbs, and other resources.
- Investigate the possibility of employing “Cultural Guides” from the local Tribes and Pueblos to provide educational services at the visitor contact station and vicinity.
- Continue to implement mitigation measures defined in previous plans, including its Framework and Strategic Guidance for Comprehensive Management:
 - Apply restrictions on visitor use to avoid conflict with episodic wildlife needs (e.g., elk calving, foraging of certain migrating raptors), weather conditions, or preserve programs (e.g., elk hunts, livestock management, fishing).
 - Consider “quiet times” — respites from all or most visitor disturbances.
 - Monitor impacts of visitor activities and subsequently modify activities through adaptive management if needed.

Sustainable Management Practices

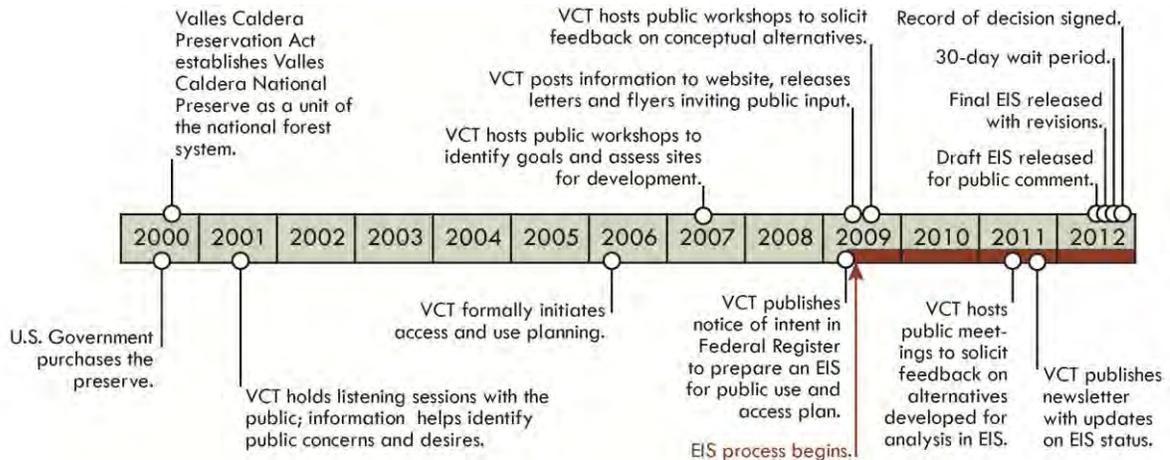
The VCT will monitor impacts on local air quality from vehicular use in the preserve based on the number of motor vehicles that enter the preserve, as well as the following sustainability indicators:

- the use of electricity, natural gas, gasoline, diesel, propane, fuel oil, and water
- the generation and use of renewable and partially renewable energy (e.g., solar energy for facilities and biodiesel for maintenance and fleet vehicles)
- the generation and use of solid waste, recycled materials, waste diverted from landfills, hazardous waste (e.g., batteries, electronics, fluorescent lamps, solvents), and recycled hazardous waste
- the use of bio-friendly cleaning products and on-site composting
- the use and sale of sustainable or locally produced food and products through an environmentally preferable procurement program that focuses on products that contain recycled materials, are more recyclable, are less toxic or more biodegradable, have less packaging, cost less to transport, etc.

Overview of Public Involvement

Figure 1 visually depicts the activities the VCT undertook to involve the public and agencies in preparation of this EIS. These activities are described in more detail in chapter 5 of the Final EIS.

Figure 1: EIS Development Process



Agency Consultation and Coordination

Public Agencies and Organizations

Public agencies and organizations were included in all mailings and notices distributed to the public. In addition, they received planning status updates and schedules, and were provided with contact information for further inquiry.

Cultural Resource Consultation

The New Mexico SHPO was included in all mailings and notices distributed to the public. In addition, the SHPO and the Advisory Council of Historic Preservation received planning status updates and schedules, and were provided with contact information for further inquiry. It is anticipated that implementation-level and programmatic-level decisions will have unavoidable adverse effects to significant historic properties. To address this concern and to develop appropriate processes to resolve these effects, the VCT has met with SHPO to construct a programmatic agreement that addresses implementation-level and programmatic-level undertakings in multiple phases. The Advisory Council of Historic Preservation has been invited to participate in the programmatic agreement and may be included as a signatory pending their decision. The signing of the programmatic agreement will move forward following the decision by the council.

Formal and informal tribal consultation has taken place throughout the planning process. Communications specific to the project included scoping, alternatives development, project updates, and distribution of the Draft EIS. The phased programmatic agreement between the VCT and SHPO specifies that tribal consultation will be included in development of all mitigation plans for resolution of adverse effect and in developing subsequent agreements for resolution of adverse

effects. The VCT would work with local Tribes to identify methods of protecting important cultural features by including tribal consultation in future planning and decision-making about the programmatic elements in the plan.

Threatened and Endangered Species Consultation

Formal consultation under Section 7 of the Endangered Species Act was not warranted for this project. The USFWS was informed of the planning process in concert with the public and other agencies and organizations.

Comments on the Draft EIS

The *Draft Public Access and Use Plan / Environmental Impact Statement* was released for public review and comment for a 60-day review period on June 11, 2012; the public comment period closed August 14, 2012. The VCT held two public meetings (June 25 in Jemez Springs and June 26 in Los Alamos) during the review period, where staff addressed questions and comments about the plan. The VCT received 125 separate written communications in the form of letters, email, and project comment forms. Seven of these comments were from agencies or Pueblos and 118 were from members of the public, including citizen groups or organizations. Some commenters identified a preference for a specific alternative, as follows:

- Alternative 1: 7
- Alternative 2: 19
- Alternative 3A: 14
- Alternative 3B: 9
- Either alternative 3A or 3B: 5
- Alternative 4A: 14
- Alternative 4B: 3
- Either alternative 4A or 4B: 2
- Shuttle access (no alternative specifically named): 9

Some commenters had specific questions or suggestions regarding certain sections of the Public Access and Use Plan. In some instances, this resulted in changes to the EIS.

Publication and Developments after Release of the Final EIS

The notice of availability for the Final EIS was published in the *Federal Register* Vol. 77, No. 213, Friday, November 2, 2012, under Notices. The 30-day no action waiting period began Monday, December 5, following the *Federal Register* notice. The trust made the public aware of the availability of the FEIS through the publication of a legal notice in the *Albuquerque Journal*, posting of the notice on the Valles Caldera National Preserve website, and email notification. The Final EIS, Appendix A (which includes public comments and responses), and Appendix B (which includes the errata sheet identifying changes to the Draft EIS based on public and agency comments), were published on the Valles Caldera National Preserve web site on

November 5, 2012. The distribution of the FEIS (Volume 1) and the appendices (Volume 2) followed the same strategy as the distribution of the DEIS. Hard copies were made available through public locations, primarily libraries and area USFS, NPS offices, and Caldera Action, and electronic copies were provided to individuals, agencies and organizations. The intent was to minimize the costs and consumption of resources while ensuring broad public access to the documents. The 30-day “no action” waiting period ended on December 5, 2012.

One letter was received regarding the FEIS. This letter, from Caldera Action, addressed the scope of the action and the analysis. Specifically the group believed that the proposed action should have included implementation level actions and decisions regarding ancillary facilities for maintenance activities in support of preserve operations, including storage for heavy equipment.

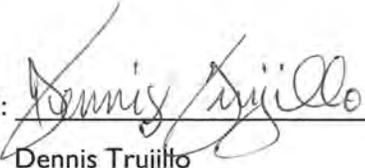
The PAUP includes space for the day-to-day maintenance of the proposed visitor center but not an overall maintenance facility for broader preserve operations. Construction and maintenance in support of preserve operations is currently performed primarily through commercial or federal contracts. The trust does not own any heavy equipment and performs only minor and routine maintenance and repair in-house. The trust anticipates that this type of arrangement would continue in the future.

The PAUP includes adequate space for parking of employees, visitors, and shuttle vehicles. We believe the selection of Alternative 3 A offers an opportunity to participate in regional transit planning in the future.

As described in Chapter I, future infrastructure and facilities will be proposed in a separate action and analysis tiered to, and guided by, this PAUP FEIS. Such actions will include site specific issues that need to be addressed separately and likely include a separate range of alternatives.

Conclusion

This ROD concludes the study process and environmental review under NEPA. Selection of Alternative 3A: Entrada del Valle Visitor Center—Primary Access via Shuttle System as the preferred alternative best addresses the purpose of the *Public Access and Use Plan/EIS*, best protects the preserve’s resources while also providing a range of quality visitor experiences, meets the VCT’s goals for managing the preserve, and meets national environmental policy goals.

Approved:  _____
Dennis Trujillo
Executive Director

 _____
Date