



# Chapter 1 Purpose of and Need for Action

This “Purpose of and Need for Action” chapter describes what this plan intends to accomplish and explains why the Valles Caldera Trust is taking action at this time. A purpose and need statement explains why an agency, in this case the Valles Caldera Trust, is proposing to take action. The “purpose” describes the overarching goal to be achieved by the proposed action. The “need” provides a description of the problems or issues to be specifically addressed by the proposed actions. The purpose and need shapes the scope of the analysis, including the range of alternatives and actions, and the key issues to be considered.



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# 1. Purpose of and Need for Action



The Valles Caldera Trust (VCT) is proposing to implement a comprehensive public access and use plan for the Valles Caldera National Preserve (the preserve). The plan proposes the development of facilities and infrastructure to provide increased access onto and within the preserve and to protect natural and cultural resources from the impacts of increased visitation. The plan would also

This EIS presents options for a comprehensive public access and use plan for the Valles Caldera National Preserve.

guide programs and activities for public access and use for recreation, education, scientific research, and other purposes. Six alternatives are being considered in detail, including taking no action at this time. Upon conclusion of the planning and decision-making process, one of the alternatives will be selected and will become the public access and use management plan. This plan will take a long-term view, subject to periodic review and evaluation through the *State of the Preserve*, which is prepared every five years.

The VCT is preparing this plan with an environmental impact statement (EIS) to analyze the impacts of implementing the plan consistent with the National Environmental Policy Act of 1969 (NEPA) and the VCT's NEPA procedures. Two levels of planning and impact analysis are included in this document. Long-term management direction is presented at a basic level and will be used as a guide for future decisions. This type of NEPA documentation is sometimes referred to as "programmatic" or "tier 1." These elements are not ripe for implementation decisions and require additional information. Elements of the plan presented at this level would not be implemented without additional future NEPA documentation, including public involvement, at a more detailed level. The more detailed type of NEPA analysis is referred to as "implementation level," "project level," or "tier 2" NEPA analysis. A portion of this plan will be presented and analyzed at the project level and will focus on the development of a portal, or physical point of access, to the preserve. This portion of the plan could be implemented without additional NEPA compliance. These two levels of analysis are being combined into one document to maximize time and cost efficiency. The differences between the two levels of analysis are described in each chapter.

## Project Area Description

The preserve is an 88,900-acre (35,560-hectare) tract of land located in the Jemez Mountains 18 miles (8 kilometers) west of Los Alamos in north-central New Mexico (figure 1-1). The property encompasses the majority of the land known as the Baca Location No. 1, held in private ownership since 1860. The preserve also includes



most of the 12- to 15-mile-wide (19- to 24-kilometer-wide) caldera formed by the collapse of a pair of volcanic domes that erupted about 1.6 and 1.2 million years ago.

The base elevation of the preserve is approximately 7,800 feet (2,377 meters) above sea level at the southwest corner, and rises to an elevation of 11,254 feet (3,431 meters) at Redondo Peak, which is the second-highest summit in the Jemez Mountain Range (figure 1-2). The hydrology of the preserve includes runoff, seeps, and springs, and it is drained by many streams, including the East Fork of the Jemez River, Redondo Creek, and San Antonio Creek, which all have their headwaters within the preserve (Anschuetz and Merlan 2007).

The Valles Caldera is known for its scenic beauty, geological features, and diversity of plants and wildlife.

The Valles Caldera is known for its scenic beauty, geological features, and diversity of plants and wildlife. The physical environment ranges from broad, open meadows to mountains heavily forested with coniferous trees, creating a unique viewshed in the southwestern United States. The topographic relief of the setting contributes to a widely diverse ecosystem (Anschuetz and Merlan 2007).

## Project Background

### History of the Preserve

Humans have used the Valles Caldera for many years, creating a legacy of resource use that continues today. Evidence found on the preserve indicates prehistoric human use of the area extending 10,000 years into the past. The numerous tools and debris in the caldera represent a range of uses, including locations used briefly; small, seasonal camps; and expansive sites that were occupied repeatedly over centuries. After AD 1000 a period of agricultural intensification and more permanent settlement began in the Jemez Mountains. Small one- and two-room masonry structures known as “field houses” were built on the Banco Bonito in the southwestern part of the preserve (shown above). These field houses were likely used by sedentary agricultural people of the region when they visited or occupied the caldera briefly. They probably did not occupy the area permanently (VCT 2007b).



Humans have used the Valles Caldera for many years, creating a legacy of resource use that continues today.





Figure 1-1: Vicinity Map



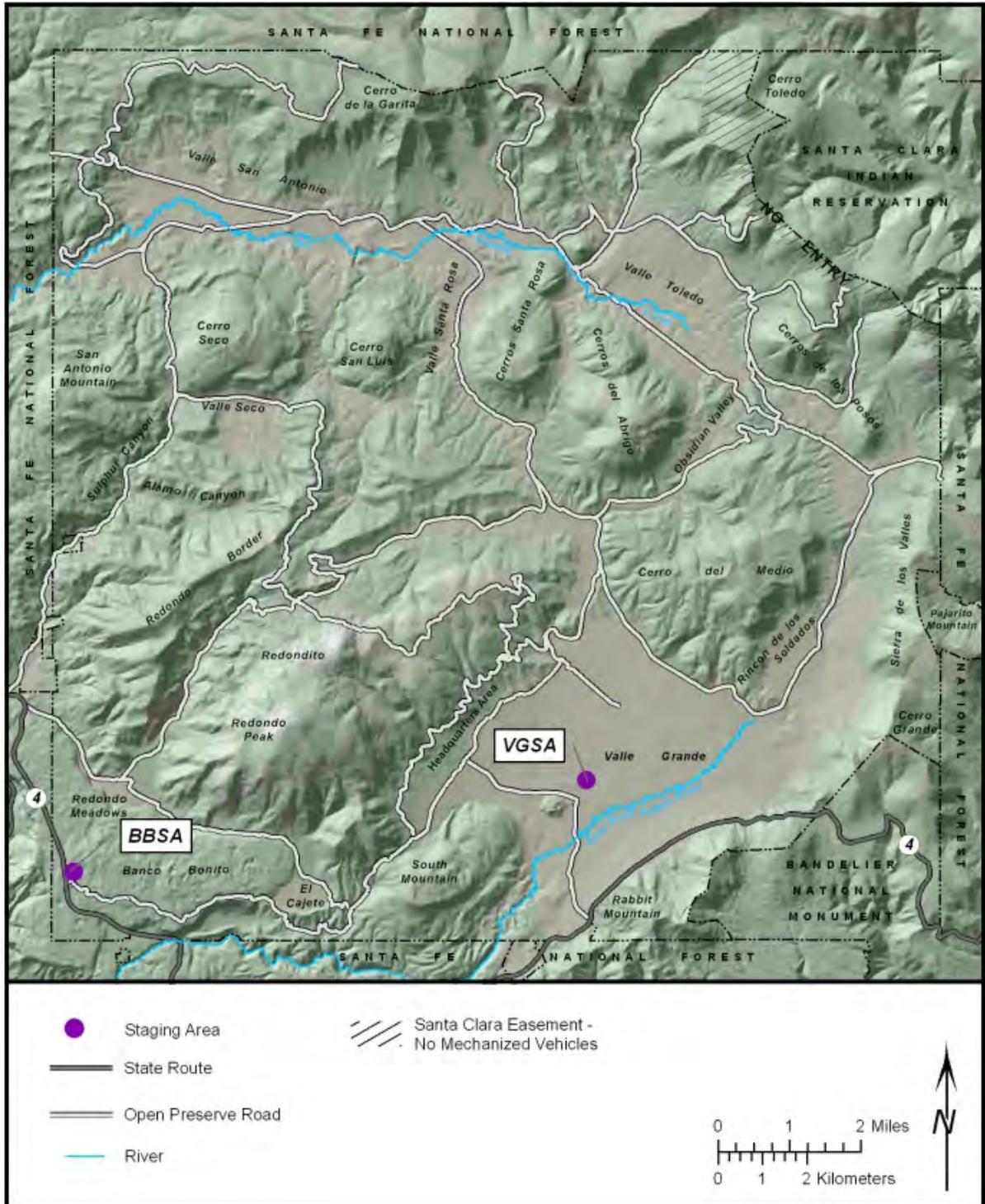


Figure 1-2: Valles Caldera National Preserve



The Valles Caldera Preservation Act was established to protect and preserve the natural, cultural, and recreational values for the preserve, and to provide for multiple use and sustained yield of renewable resources.

The Spanish missions were established in New Mexico in the 1600s and after the Pueblo Revolt and Spanish reconquest, a land-grant system was set up to encourage settlement. Local Hispanic and Pueblo Indians began herding sheep and cattle in the valles (“valle,” the Spanish word for valley, is used throughout this document for consistency with the local place names). Formal ownership began with the Baca family in 1876, followed by the Otero brothers, both of whom continued raising sheep and livestock. The Oteros sold the land to a logging company in 1909 (but retained the grazing rights), initiating another type of use of the land’s resources. Transportation difficulties limited the amount of logging at the time, but in 1935 that changed with construction of what is now NM-4 and the transfer of land to another company, which logged the area until the 1970s. Trees were cut on 50 percent of the property and thousands of miles of logging roads were created. The results of these operations are still apparent today. Meanwhile, sheep and cattle grazing persisted, as grazing rights continued to change hands (VCT 2007b).

The final private owner, the Baca Land and Cattle Company, was eventually granted timber rights resulting from a lawsuit seeking damages from destructive logging practices. They attempted to further capitalize on the area’s recreational potential by building cabins and a guest lodge while maintaining the land as a cattle ranch and elk hunting location. As a result, the caldera became known worldwide for elk hunting in the 1990s. Guided hunts for bull elk, including meals and lodging in the Casa de Baca Lodge, sold for \$10,000. Attempting to capitalize on yet another of the land’s unique natural resources, the Baca Land and Cattle Company negotiated with a geothermal power company to drill in several locations in hopes of harnessing geothermal steam for a power plant. This plan was never realized due to Native American concerns about impacts on springs and aquifers outside the caldera and disturbance of sacred land around Redondo Peak, as well as insufficient steam to generate the desired power. The land continued to operate as a cattle ranch until 2000 (VCT 2007b).

### Valles Caldera Preservation Act

In 2000 the U.S. government purchased the ranch. The Valles Caldera Preservation Act of 2000 (Public Law [PL] 106-248) (16 United States Code [USC] 698v) established the Valles Caldera National Preserve as a unit of the national forest system. The purposes of the federal acquisition of lands, as defined by the act, were 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” (16 USC 698v-3[b]).



The preserve supports diverse plant and wildlife species, including a large elk population.

The Valles Caldera Preservation Act was established in part to provide opportunities for public recreation.

As stated in the Valles Caldera Preservation Act, Congress recognized many features of Valles Caldera and the need to preserve it. Congress also determined that “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” (16 USC 698v[a][8]). Congress found that “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” (16 USC 698v[a][12]). As a result of these findings, Congress enacted the Valles Caldera Preservation Act for the following reasons:

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 [of the act]; and
5. to provide for sustained yield management of Baca ranch for timber production and domesticated livestock grazing insofar as is consistent with the other purposes stated herein [in the act]. (16 USC 698v[b][1–5])

The act directs the VCT, which is governed by a nine-member board of trustees, 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 (USDA) 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 requires that the VCT prepare an annual budget and a plan that includes a schedule of annual decreasing appropriated funds that will achieve, at a minimum, the financially self-sustained operation of the VCT within 15 years of the date of acquisition of the Baca ranch. Congress defined financially self-sustaining as “management and operating expenditures equal to or less than proceeds derived from fees and...receipts...and interest on invested funds” (16 USC 698v-1). 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

However, Congress also determined that, “if after the fourteenth full fiscal years [sic] from the date of acquisition of the Baca ranch the Board believes the trust has met the goals and objectives of the comprehensive management program, 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 [the Valles Caldera Preservation Act]” (16 USC v-8[b]).

The Valles Caldera Preservation Act makes it clear that Congress directed the implementation of a new, “unique management regime” to manage the preserve, with a goal—not a mandate—of achieving financial self-sufficiency. Congress recognized that this form of management would be experimental only, directing the VCT to plan for achieving the financial self-sufficiency goal through various methods. Congress also acknowledged that it may not be possible to meet this goal, realizing that additional appropriations could be required in such a case. The October 2009 U.S. Government Accountability Office (GAO) Valles Caldera Report to Congressional Committees notes that “a daunting corollary to the trust’s mission is

The Valles Caldera Preservation Act authorizes the construction and operation of a visitors’ center in or near the preserve.

how to balance managing the land to produce a sustained yield of revenue-generating resources with preserving and protecting those resources and...values.” (GAO 2009). The report acknowledges that “the ultimate success of the Valles Caldera land management experiment hinges on the trust’s ability to become a fully functioning, financially self-sustaining government corporation while simultaneously preserving and protecting the land’s natural, cultural, and recreational values. We acknowledge that achieving such a mission is no easy task, and we recognize that the trust continues to work towards achieving these goals” (GAO 2009).

This plan represents the VCT’s continued effort toward achieving the goals defined by the Valles Caldera Preservation Act, and is an outcome of the act’s directives—a step toward implementing the unique management experiment that Congress envisioned for the preserve. That step begins with defining the purpose of and the need for taking management action on the preserve at this time.

## Purpose of and Need for Action

A purpose and need statement explains why an agency, in this case the VCT, is proposing to take action. The “purpose” describes the overarching goal to be achieved by the proposed action. The “need” provides a description of the problems or issues to be specifically addressed by the proposed actions. The purpose and need shapes the scope of the analysis, including the range of alternatives and actions, and the key issues to be considered.

### Purpose

The “purpose” describes the overarching goal to be achieved by the proposed action.

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])

## Need

The need for the plan provides a description of the problems or issues to be specifically addressed by the proposed actions.

During public workshops and via written comments in 2007 and 2009, the public expressed a desire for more access, more spontaneous access, more freedom to explore, sustainable management practices, a modest scale of development, and protection of resources and values. The public would like the VCT to do the following.

### **Provide more access, more spontaneous access, and more freedom to explore the preserve.**

Public access to the preserve is currently managed under an interim recreation program that manages visitation in a manner consistent with the existing capacity of the land and facilities. Spontaneous recreation is limited to views of the Valle Grande from pull-offs along New Mexico Highway 4 (NM-4), two trails accessed from the highway, and short hikes and tours staged from the Valle Grande Staging Area, a temporary facility located 2.5 miles into the Valle Grande from NM-4. After an interim period of requiring reservations to fish on the preserve, the VCT recently began providing opportunities for fishing without prior reservations. Other activities and access to other areas of the preserve require a reservation and a fee. Based on public comments, it is apparent that this system prevents or discourages use by a substantial number of potential visitors. Hammitt and Cole (1998) note that “recreation and regulations are inherently contradictory because freedom and spontaneity lie at the core of most wildland recreational pursuits.” Although the public comments were not all alike, many of them did indicate a strong desire for increased access that is less strictly managed.



Increased access was a common theme among public comments.

**Provide facilities and infrastructure that would be adequate to meet public safety standards, as required by the Valles Caldera Preservation Act, if access were increased.** The current interim program is physically operated from a temporary visitor contact station, the Valle Grande Staging Area (figure I-2), established in the Valle Grande and designed to be limited in scale,

The need for this plan reflects the desires expressed by the public.

purpose, and length of service. This temporary facility has now been in place for six years, and would be inadequate to handle the demands of increased visitation if access were increased. A smaller temporary visitor services facility, the Banco Bonito Staging Area, is located in the southwestern area of the preserve.

**Provide adequate infrastructure to protect the natural and cultural resources of the preserve from increased access.** On public lands with large numbers of visitors (such as national and state parks), infrastructure (including maintained roads, parking lots, and bathrooms) is used to protect resources by influencing impact patterns. Impacts are typically highly concentrated around attractions and recreational facilities, as well as along travel routes that connect them. This concentration of use means that pronounced impacts occur in only a small portion of any recreational area, resulting in minimal impacts throughout the vast majority of the area. This situation can be reinforced through careful infrastructure planning and design (Hammitt and Cole 1998). The preserve is currently lacking this type of infrastructure.

**Provide a portal or physical point of access to the preserve.** There is currently no facility to provide a physical point of access to the preserve and to limit or disperse visitation consistent with the current capacity of the land and facilities. The lack of such a facility is one of the reasons that the VCT has used both a reservation and lottery system to provide access under the interim recreation program. This arrangement has allowed for some access and the development of unique outdoor recreational activities and educational events. However, it limits spontaneous access and general-interest recreational activities on the preserve.



The current staging areas are insufficient to handle substantially increased access.

**Manage the preserve in a sustainable manner.** Both the VCT and the public want to manage the preserve, including its infrastructure, in a sustainable manner and minimize its carbon footprint. Because very little permanent infrastructure exists and long-term access and use plans have not been developed, the VCT has a very good opportunity to plan for sustainable infrastructure and use policies. The VCT needs to identify and incorporate long-term sustainability concepts in programs and facilities for public access and use. Executive Order 13514, “Federal Leadership in Environmental, Energy, and Economic Performance,” signed October 5, 2009, reinforces this need to plan and design sustainable government facilities.

**Provide programs, activities, and facilities that promote long-term, financially sustainable management of the preserve, at a scale appropriate to public demand and values and consistent with other purposes.** The Valles Caldera Preservation Act includes a benchmark for financially self-sustaining management of the preserve. Management goals identified in the act include optimizing the generation of income and promoting long-term financial

sustainability in a manner consistent with long-term protection and preservation of resources and values, such as natural and cultural resource preservation.

## Plan Goals, Objectives, and Monitored Outcomes

Goals and objectives clearly state the results that are desired from the selected alternative.

The VCT has identified the following goals, objectives, and monitored outcomes to support this plan's purpose. The proposed action includes programs and activities that use or manage resources and facilities, as well as guide or prescribe future uses and management. The VCT will use this system of goals, objectives, and monitored outcomes (results) to implement adaptive management as described in its NEPA procedures (VCT 2003a). Adaptive management is a decision process that promotes flexible decision-making, which can be adjusted as outcomes from management actions and other events become better understood. Careful monitoring of these outcomes both advances scientific understanding and helps adjust policies or operations as part of an iterative learning process (Williams, Szaro, and Shapiro 2009).

### 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.

### Monitored Outcomes

The VCT will monitor a range of factors and adjust plans as necessary to manage the preserve in alignment with stated goals and objectives.

Outcomes are the results or consequences of an action that can be meaningfully evaluated by location and time of occurrence (VCT 2003a). 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.

#### Visitor Use Impacts

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

#### Visitor Satisfaction

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.

### 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.

### Long-term Financial Sustainability

The VCT will report financial self-sustainability metrics (comparing income to expenses) annually and evaluate the results every five years in the *State of the Preserve*.

## Performance Requirements

Several laws, policies, plans, and constraints are related to and affect the development of this plan and provide requirements, direction, and constraints for planning management actions in the preserve. These guiding regulations and documents are listed below.

### Guiding Laws, Policies, and Procedures

Several laws, policies, plans, and constraints are related to and affect the development of this plan.

#### National Environmental Policy Act of 1969

Section 102(2)(c) of NEPA (42 USC 4321–4347), as amended, requires that an EIS be prepared for major federal actions that may significantly affect the quality of the human environment.

#### Valles Caldera Preservation Act of 2000

By enacting the Valles Caldera Preservation Act of 2000 (PL 106-248), Congress authorized the acquisition and management of the Valles Caldera within the USDA. The act defines the purpose of the preserve and establishes and directs a trust to manage it through the development of a comprehensive management program, as described in more detail above. The act specifically stresses the protection and



preservation of resources in conjunction with reasonable public access, and identifies a goal of financial self-sustainability “consistent with the other purposes.”

### National Environmental Policy Act Procedures of the Valles Caldera Trust for the Valles Caldera National Preserve

The board of trustees of the Valles Caldera Trust adopted procedures for implementation of NEPA and to “implement the comprehensive management of the lands, resources, and facilities of the Valles Caldera National Preserve and achieve the purposes of NEPA” (VCT 2003a). Components of these procedures that are relevant to this plan include the management principles adopted by the board of trustees in 2001 (VCT 2001). The VCT adopted these principles following a series of listening sessions held in various communities surrounding the preserve, and incorporated them into the procedures for implementing NEPA:

- 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

### National Historic Preservation Act of 1966

Section 106 of the National Historic Preservation Act (16 USC 470 et seq.), as amended, requires that federal agencies consider the effects of their undertakings on properties listed on or potentially eligible for listing on the National Register of Historic Places (National Register). All actions that affect the preserve’s cultural resources must comply with this legislation.

### Endangered Species Act of 1973

Section 7 of the Endangered Species Act (16 USC 1531 et seq.), as amended, mandates that all federal agencies consider the potential effects of their actions on threatened and endangered species. If the preserve determines that an action may



affect a federally listed species, consultation with the U.S. Fish and Wildlife Service (USFWS) is required to ensure that the action would not jeopardize the species' continued existence or result in the destruction or adverse modification of critical habitat.

### 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.

### 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 would 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), as amended, implements various treaties and conventions between the United States, Canada, Japan, Mexico, and the former Soviet Union for the protection of migratory birds. Unless permitted by regulations, this act 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).

### Executive Order 13514, "Federal Leadership in Environmental, Energy, and Economic Performance"

This executive order, signed in 2009, 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.



## Related Legislation and Policies

### New Mexico Department of Game and Fish Wildlife Goals, Policies, and Objectives

The New Mexico Department of Game and Fish (NMDGF) “is mandated to protect and provide an adequate supply of game, fish, and furbearers and to carry out the provisions of the Wildlife Conservation Act pertaining to indigenous species of wildlife suspected or found to be threatened or endangered (Chapter 17 NMSA, 1978)” (NMDGF 2006). The department developed the *Comprehensive Wildlife Conservation Strategy for New Mexico* (Wildlife Conservation Strategy) in 2006 to “provide effective and visionary leadership in wildlife conservation.” The Wildlife Conservation Strategy is a strategic plan to guide collaborative and coordinated wildlife conservation initiatives involving NMDGF; local, state, federal, and tribal governments; nongovernmental organizations; and interested individuals, providing these entities opportunities to influence and participate in project design and implementation.

### Statewide Hunting and Fishing Policy

Hunting and fishing on the preserve are managed through a collaborative partnership between the NMDGF and the VCT. The NMDGF regulates the hunting of wildlife in the state of New Mexico, and the VCT is responsible for providing access to the preserve. Through this partnership the NMDGF and the VCT determine hunt dates, hunt types, and the number of permits to be issued for elk and turkey hunting. Hunting and trapping of species other than elk and turkey are not allowed on the preserve. The VCT provides for a quality hunt and ensures the protection of resources by administering rules specific to access, including a mandatory hunter orientation, hunt unit assignment, access and exit procedures, and hunter safety policies.

Hunters enter a national lottery conducted by the VCT. If their lots are drawn, they are issued individual access authorizations. These authorizations are received and validated by the NMDGF and licenses are issued. The lottery is managed in compliance with the NMDGF’s quota system, which requires that 78 percent of all licenses be issued to New Mexico residents. Twelve percent of the licenses are awarded to nonresidents who choose to use an approved outfitter, and the remaining 10 percent go to nonresidents who apply to hunt without an outfitter. The use of an outfitter is optional on the preserve except where it applies to the quota system. All outfitters must be approved and registered with the VCT.

The NMDGF has created general fishing regulations and states that fishing on the preserve is open by reservation only, directing anglers to contact the preserve directly. The NMDGF identifies the San Antonio Creek from the preserve boundary downstream 2.0 miles as special trout waters, which have reduced bag limits or are catch-and-release only. These regulations are designed to increase the quality of fishing for anglers. Special trout waters require that artificial flies and lures have single, barbless hooks.



## Relationship to Other Planning Documents for Valles Caldera National Preserve

The following preserve plans need to be considered in the development of this plan.

### Valles Caldera Trust Strategic Management Plan for Fiscal Years 2012 – 2018

The VCT's strategic plan was submitted to the federal government's Office of Management and Budget (OMB) February 6, 2012. It identifies three central goals from management through 2018 (VCT 2012):

1. Encourage public understanding and enjoyment of the preserve, including the development of facilities and infrastructure to expand the capacity for visitors consistent with resource protection;
2. Restore and enhance the preserve's rich natural, cultural and historic resources for sustainable use and enjoyment by present and future generations of Americans; and
3. Establish a public-private model of administration to optimize revenues and develop philanthropy to support the preservation, enhancement and operation of the Valles Caldera National Preserve.

### A Plan for Revenue Enhancement on the Valles Caldera National Preserve: Opportunities and Alternatives

The VCT retained the Economics Group of Entrix, Inc. (Entrix), to explore how the VCT might achieve the legislated objectives of becoming financially self-sustaining by 2015 while adhering to the purposes set forth in the Valles Caldera Preservation Act. The resulting report, *A Plan for Revenue Enhancement on the Valles Caldera National Preserve: Opportunities and Alternatives* (Entrix 2009), evaluates different business enterprise activities, including lodging and hospitality, education and research, domestic livestock grazing, hunting, fishing, public programs, commercial film and photography, timber, merchandise, donations, and others. The report identified two development alternatives to demonstrate the variety of options available. Both included the development of a visitor center, administrative headquarters, an education and research center, and campgrounds. Both alternatives also included the renovation of existing cabins and structures, as well as much needed road maintenance. Each alternative depended on the continued support of existing public recreational programs and the continuation of special events.

The report stressed the conceptual, preliminary nature of these alternatives: "The alternatives presented in this analysis should be understood as suggestions for how the VCT could achieve financial self sufficiency. These alternatives should in no way be construed as a final determination for expansion of programs and activities on the preserve. It is expected that before any expansion or facility development take place, the proper environmental and cultural resource compliance procedures will be followed" (Entrix 2009).



### Valles Caldera Trust Tribal Access and Use Policy

The VCT's *Tribal Access and Use Policy* (VCT 2004c) describes its policy and process for tribal access within the preserve for religious and cultural uses consistent with the American Indian Religious Freedom Act of 1978 (PL 95-341) and other applicable statutes. The policy's primary purpose is to provide access to the preserve for Pueblos and Native American Tribes that have a cultural affiliation to the preserve and to allow those Tribes use of preserve lands for cultural and religious practices. Traditional (or aboriginal) practices may require not only access to sites or locations within the preserve that the Tribes or Pueblos have historically used or currently use; these practices may also require the use, collection, gathering, transporting or taking of plants, minerals, wildlife, and other resources, or may involve the restoration, repatriation, preservation, and protection of sites to perform ceremonial activities in accordance with Native American custom.

### Valles Caldera National Preserve Framework and Strategic Guidance for Comprehensive Management

The *Valles Caldera National Preserve Framework and Strategic Guidance for Comprehensive Management* (VCT 2005i) presents the framework for decision-making that the VCT proposes to use as it develops programs and policies to manage and use the preserve. The document describes potential long-term stewardship goals, the range of possible programs it will consider implementing in pursuit of those goals, and strategic guidance and priorities for the design, development, and implementation of the VCT's programs. The framework constitutes only a first step toward the development of detailed programs, acknowledging that "these procedures will in turn guide the VCT's fulfillment of its obligations under NEPA and other laws" (VCT 2005i).

### Valles Caldera Trust Master Plan for Interpretation

The *Valles Caldera Master Plan for Interpretation* (VCT 2005d) was developed to assist the VCT in considering the major themes, messages, and interpretive components associated with the preserve. The plan presents the interpretive messages of the preserve, and explores how and where they could be presented. As the first major planning document to be produced for the preserve, it is intended to guide other planning processes, including management, transportation, facility, and service development.

### Valles Caldera Trust Strategic Planning Document

The *Valles Caldera Trust Strategic Planning Document* (VCT 2006b) defines the VCT's vision statement, mission statement, and overarching goal; the definition of a working ranch; and six actions needed to be undertaken to meet the goal. Of particular relevance to this plan are the actions to "implement viable natural resource programs" and "evaluate existing facilities and identify need for additional infrastructure." Relevant subtasks listed under the first action include establishing an ecologically sound and financially sustainable livestock program that includes an educational component, and designing a flexible recreation program. Relevant subtasks listed under the second action include assessing the condition of existing



facilities, evaluating the need for and potential uses of existing facilities, identifying additional facilities needed, and addressing safety and aesthetic concerns. A key strategy associated with this action is to “initiate comprehensive transportation planning consistent with other major planning efforts” (VCT 2006b).

### Valles Caldera National Preserve *State of the Preserve 2002–2007*

The *State of the Preserve* report is a key component of comprehensive management of the preserve, which also includes stewardship actions implemented by the VCT and strategic guidance adopted by the board of trustees. The purpose of the *State of the Preserve* is to provide the board with the technical and scientific basis for comprehensive management. Because the VCT must prepare this report at least once every five years, it is also the basis for adaptive management decisions and an important reference for the interested public (VCT 2007b).



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