

VALLES CALDERA

HEARING BEFORE THE COMMITTEE ON ENERGY AND NATURAL RESOURCES UNITED STATES SENATE ONE HUNDRED ELEVENTH CONGRESS

SECOND SESSION

TO

RECEIVE TESTIMONY ON S. 3452, A BILL TO DESIGNATE THE VALLES
CALDERA NATIONAL PRESERVE AS A UNIT OF THE NATIONAL PARK
SYSTEM, AND FOR OTHER PURPOSES

JUNE 30, 2010



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VALLES CALDERA

WEDNESDAY, JUNE 30, 2010

U.S. SENATE,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC.

The committee met, pursuant to notice, at 2:32 p.m. in room SD-366, Dirksen Senate Office Building, Hon. Jeff Bingaman, chairman, presiding.

OPENING STATEMENT OF HON. JEFF BINGAMAN, U.S. SENATOR FROM NEW MEXICO

The CHAIRMAN. Why do we not get started with the hearing?

The purpose of the afternoon hearing is to receive testimony on S. 3452. This is legislation that I introduced, along with Senator Udall as cosponsor, to transfer administrative jurisdiction over the Valles Caldera National Preserve in New Mexico to the National Park Service.

The Valles Caldera is what is left of a tremendous volcanic explosion that occurred over a million years ago. The eruption left a caldera rim that surrounds more than 100,000 acres of high altitude lands in northern New Mexico. Today the area includes forested mountains, streams, and wetlands, expansive grassland valleys, including the scenic Valle Grande.

The caldera also has a rich cultural history, some of which we will hear about today from witnesses from the pueblos of Jemez and Santa Clara, whose people remain strongly tied to the land.

The issue of how to best protect the Valles Caldera has been an issue of longstanding interest with the first calls to preserve the area beginning over 100 years ago. After many decades of effort by the Federal Government to acquire the property, the family that owned the Baca Ranch, which encompassed most of the caldera, indicated a willingness to sell the property 10 years ago. Working with Senator Domenici and the Clinton administration, we were able to pass the Valles Caldera Preservation Act in 2000. This act authorized the Federal Government to acquire the ranch and establish the Valles Caldera National Preserve. The ranch was subsequently acquired for approximately \$100 million.

The law establishing the national preserve also established the Valles Caldera Trust, an experimental management framework under which a Presidentially appointed board of trustees would manage the preserve for a period of 20 years. The trust was directed to manage the preserve as a working ranch while providing for public access and protection of the preserve's natural and cul-

tural resources and with the goal of becoming financially self-sustaining by 2015.

I believe there is now general agreement that the trust will not be able to meet the law's goal of managing the preserve while achieving financial self-sufficiency. In addition, the current management structure has resulted in concerns about limited public access and relatively high fees imposed on recreational activities, especially when compared with recreational opportunities on nearby Federal lands.

In my opinion, the most effective way to address the challenges facing the Valles Caldera National Preserve is to move away from the experimental management framework and toward a more tested public lands management structure. In my view, the agency that can best achieve that mission of protecting the preserve's natural and cultural resources while providing for improved educational and recreational opportunities and ensuring the long-term financial success of the preserve is the National Park Service. The Park Service has a strong record of managing our Nation's national treasures, and by all accounts, the Valles Caldera meets the high standards for inclusion in the National Park System.

I would like to emphasize that this proposal to transfer management of the preserve to the National Park Service is not meant as a criticism of the dedicated members of the Valles Caldera Trust and the preserve's staff. There are many achievements that they are rightly proud of, not least of which is the trust's highly successful science and education program. The bill that Senator Udall and I have introduced will allow for the best management practices of the trust to be carried forward under the management of the National Park Service.

I believe there is strong public support for National Park Service management of the Valles Caldera, and the inclusion of the preserve in the National Park System will ensure that the area is appropriately protected and also that more Americans will have the ability to enjoy this spectacular area.

Before we begin this afternoon, of course, I will call on Senator Wyden if he has any comments.

I have a statement I wanted to put in the record in its entirety. It is a written statement Senator Murkowski asked be included in the record. She was not able to be here.

[The prepared statement of Senator Murkowski follows:]

PREPARED STATEMENT OF HON. LISA MURKOWSKI, U.S. SENATOR FROM ALASKA

I want thank Chairman Bingaman for scheduling this hearing.

In 2000 this Committee marked up and then the Senate passed the Valles Caldera Preservation Trust Act. The Federal government expended \$100 million to acquire the Baca Ranch in New Mexico and to embark of a federal land experiment called a Public-Private Trust not unlike the Presido Preservation Trust in California.

The Valles Caldera Trust was designed to maintain the Baca Ranch as a working ranch; to protect the wildlife and natural beauty of the area; and the historic nature of the Preserve. Congress put the preserve in the hands of a board of directors who were to manage the area with assistance from the Santa Fe National Forest. It was hoped that the operation would become economically self-sufficient within 20 years and if it did not the property would revert to the Santa Fe National Forest.

Now both Chairman Bingaman and Senator Tom Udall have proposed to terminate the experiment and to turn the 89,000 acres over to the National Park Service. I appreciate the long standing tradition in this body of allowing the delegation from

a state to take the lead on federal land designations within their state. As I know the Chairman does. Just as I believe the Alaska delegation knows what is best for federal lands in Alaska, I tend to believe that the New Mexico delegation knows what is best for these lands.

However, I believe this hearing is important, as the Federal Government paid \$100 million for this property a little more than a decade ago and we all have a duty to vigilantly protect taxpayer resources, both existing and future.

I must admit that when I see the types of visitor centers and facilities at most National Park properties, and knowing the budget stresses the Park Service has been under, I do worry about how much Park Service oversight of the Valles Caldera Preserve might cost. In the end though, we must balance the costs and benefits of all of the various administrative structures that are before us in making this decision.

Mr. Chairman that completes my testimony and I look forward to the rest of the hearing.

The CHAIRMAN. But I also want to express my appreciation to all of our witnesses for their accommodation of the hearing being rescheduled twice, including the last-minute change that we made just yesterday. Unfortunately, 2 of the invited witnesses for the hearing were unable to testify at this new time this afternoon, and we have received written statements from Governor Martinez, the Pueblo of San Ildefonso, and from Barbara Johnson on behalf of Los Amigos de Valles Caldera. Without objection, those statements will be included in the hearing record as well.

We also received a letter from New Mexico Governor Bill Richardson in support of the legislation, which will be included in the hearing record.

I would like to conclude my brief observations by saying that everyone who has ever been to the Valles Caldera agrees that it is a magnificent natural, cultural, and recreational resource.

I know this bill has presented a challenge for the Federal agencies who are here today in coordinating their recommendations. I hope that this does not end up as a turf battle between agencies. From my perspective, the only issue is what is the best way to protect the \$100 million investment and the enormous natural and cultural resources that are represented here.

Senator Wyden, did you wish to make any statement?

Senator WYDEN. No, Mr. Chairman.

The CHAIRMAN. Why do I not call the first panel forward? It is made up of administration witnesses: Daniel Wenk, who is the Deputy Director with the National Park Service; the Honorable Harris Sherman, who is Under Secretary for Natural Resources and Environment with the Department of Agriculture; and also Stephen Henry, who is Chair of the Valles Caldera Trust. We very much appreciate all of you being here.

Our normal practice is to ask—first, we will include all of your written statements in the record in full, but we would ask if each of you would take 5 or 6 minutes and summarize the points that you think we need to particularly understand so that we will still have some time for questions.

Why do we not start with you, Mr. Henry, and then Mr. Sherman and then Mr. Wenk?

**STATEMENT OF STEPHEN E. HENRY, CHAIRMAN, BOARD OF
TRUSTEES, VALLES CALDERA TRUST**

Mr. HENRY. Thank you very much for the opportunity to be here and discuss some of the thoughts of the board of trustees, the Presidentially appointed board of trustees.

If I could right quick, I would like to introduce the people that I brought with me here today.

The CHAIRMAN. Please do.

Mr. HENRY. Dr. Raymond Loretto sits on the board with me as a Presidential appointee. Mr. Gary Bratcher is the Executive Director of the preserve. Mr. Dennis Trujillo is the preserve manager of the preserve and has been there since its inception almost.

Mr. Chairman, there is no sense in me talking about the beauty and the splendor of the Valles Caldera National Preserve. You have been there. We have been there. We know that it is beautiful and that it has some fantastic treasures there.

We know that this was started as an experiment and that basically the preserve became a Government corporation under the Valles Caldera Preservation Act. We also know that that created some huge problems as far as the startup and how a Government corporation was supposed to operate. We had this huge burden of being financially self-sustaining, and we are pretty much convinced now at this point in time that even Members of Congress and people that advise Congress kind of thought, you know, that is going to be a real, real hard thing to do, becoming financially self-sustaining as a U.S. Government organization on a ranch that had no infrastructure and that had basically 200 people a year visiting that ranch, and now we are expected to try to put in a few thousand or thousands of people on that place.

We have made some good progress, but there have been periods of time when we did not make good progress. In the last year or 2, I think even you and your staff have acknowledged that we have done some great things in the last couple of years.

One of the big issues is the amount of public recreation that has been allowed on the place, and we think this is a reflection, as much as anything, of our mandates and our need to try to generate the revenue for the place. We have at the present time been almost completed an environmental review of public access and use, and we are expecting by this winter, if we still exist, that that would be finished and we will be ready to look at siting and planning for a bona fide visitor center which would be the most important piece of infrastructure that would tend to encourage the visitor use on the property.

We have some concerns with S. 3452, I am sure you know. We are concerned about the employees of the preserve. We are not sure that the way the bill is worded right now that those employees have—we are concerned that they will continue to be employed as professionals continuing the programs that we have already instituted and that are ongoing on the preserve. We asked that that be looked at continually to make sure that that kind of thing is taken care of.

The main thing I want to talk about is what I consider the biggest issue on the preserve, and that is forest restoration. The preserve was owned for about 100 years by private individuals and it

was clear cut and logged for 20, 30, 40 years. It is standing full right now of what we call dog hair conifer trees, closely packed trees, 60,000 acres of them, two-thirds of the property, 60,000 acres of very closely packed conifer trees that are an extreme, extreme fire danger. When you look at it at a distance, it is beautiful. There is not a doubt in the world, but when you get to it, that is the most dangerous situation in the entire Jemez Mountains. It has been managed differently over that period of time than all the surrounding mountain range which was done prescriptively not to carry fire and not to carry diseases.

I guess I believe that the Forest Service happens to have this experience and the expertise to be able to manage a forest with that degree of problems for the future. In that regard, at least for a few more years, the Forest Service needs to continue the forest restoration work there. There is a decade of work there still to do to bring that forest to some health. No matter who is in charge of the preserve, you do not want to be the guy in charge when that fire hits. It will make the Cerro Grande fire look pretty insignificant if we have a long dry spell and it happens.

That is it, Mr. Chairman. Thank you very much.

[The prepared statement of Mr. Henry follows:]

PREPARED STATEMENT OF STEPHEN E. HENRY, CHAIRMAN, BOARD OF TRUSTEES,
VALLES CALDERA TRUST

Mr. Chairman and Members of the Committee:

I am Stephen Henry, Chairman of the Board of Trustees for the Valles Caldera Trust, and I am here on behalf of the Presidentially appointed members of the Board of Trustees to express our views about S. 3452. The Trust supports the protection of the nationally significant natural and cultural resources found at the Valles Caldera National Preserve.

I will not belabor the wonderful scenic and natural values of the Valles Caldera National Preserve. Everyone here knows it is a national treasure. We at the Trust value that treasure, and we have devoted our best efforts to its preservation and protection. But, unfortunately, we inherited an abused treasure. The former Baca Ranch had been over grazed and over logged for decades. Hundreds of miles of roads cover the area. Geothermal developers were threatening to develop private mineral rights. Major roads and improvements were in need of repair and rehabilitation. Infrastructure necessary to accommodate public access and use was almost non-existent and prerequisite environmental compliances had never been addressed. At the same time, the public clamored to use and enjoy this land for which the Federal taxpayer paid \$101 million.

Today, I am here to report that the Preserve is well on the way to a comeback. With the assistance of our partners in the Forest Service, the universities and the public, significant strides have been made at landscape restoration. The mandates of the Valles Caldera Preservation Act of 2000 are steadily and successfully being accomplished with regard to wildlife management, forest and range management, public recreation, Native American religious and cultural uses, research, science and many others. Despite these successes, S. 3452 would terminate the Valles Caldera Trust. We are disappointed and concerned, particularly about the future of our employees and the many successful ongoing programs.

We note that the Valles Caldera Preservation Act provides for the assessment of the future viability of the Trust. In section 110, the Act calls for providing recommendations to Congress after 18 years as to whether the Trust should continue. In that context, we believe that S. 3452, which assumes Park Service management is best for the Preserve, could benefit from further analysis of the possible viable options for long term management of the Preserve. However, the relative merits of administration by the Forest Service, Park Service and the Trust have never been analyzed. When viewed objectively, we believe the Trust's accomplishments will be evident. The Trust started at ground zero when it was established in 2000. We had a brand new organization implementing an untested management regime on a huge property. The Preserve has not been financially self-sustaining; however, the challenge of that goal was recognized by many at the time of the original enactment.

The Preserve has limited revenue generating capacity. Further, back in 2000, neither the Congress nor the Executive Branch anticipated the costs and complications of setting up a government corporation or the costs of making necessary capital repairs and rehabilitation, and simply the costs of operations—all of which are debits in the accounting on self sustainability. Parts of the problem were inherent challenges in the enabling legislation. One simple example concerns tort liability. Instead of treating the Trust like any other self insured federal agency, we were compelled to spend considerable sums buying private liability insurance. The point is that the Trust is being held to a unique standard of financial self sustainability. The Board believes that terminating the Trust fails to recognize much of the progress and investments in time and money made by the Trust in the past eight years.

Turning the discussion to the future, the issue is what management is needed and who can best provide it. It may be that management by the Forest Service or the Park Service will enable some administrative functions to be assumed within a larger organization, but many activities and operations will have to be done anyway and at probably much the same cost.

Forest restoration is now the major management focus. It involves putting roads to bed, erosion control, reforestation, and dealing with the challenges posed by insects and climate change. Range management is another challenge and includes restoration of riparian areas. We are currently undertaking extensive research in grassland improvement in cooperation with New Mexico State University. Public recreation, including hunting and fishing, is always a major challenge, but we have been getting high marks on these issues from our visitors.

In conclusion, we understand there will be a need to assess the long term management of the Preserve and want to play our part in that effort. We believe any changes should be considered with full public transparency and with input from resource management experts. This exquisite landscape and the American public deserve no less.

Thank you and I would be happy to answer any questions the Committee would have.

The CHAIRMAN. Thank you very much. Thank you for your excellent testimony.

Mr. Sherman, go right ahead.

STATEMENT OF HARRIS SHERMAN, UNDER SECRETARY, NATURAL RESOURCES AND ENVIRONMENT, DEPARTMENT OF AGRICULTURE

Mr. SHERMAN. Thank you, Mr. Chairman. I am Harris Sherman, the Under Secretary for Natural Resources and the Environment at USDA.

Thank you for including my written statement in the record.

First, Mr. Chairman, I just want to express our ongoing appreciation for your interest and your support for the Valles Caldera National Preserve. This is an extraordinary, unique piece of property. It is important to the people of New Mexico and to the Nation, and it commands our attention and our care.

At the outset, I also want to say regardless of the outcome of this hearing and how jurisdiction is ultimately determined, USDA and the Forest Service want to cooperate and be helpful in any way we can, and we are prepared to play whatever role would be best for the future of this property.

But as you review S. 3452 and consider management options for the preserve, I hope that you will consider a number of the following points that I think are relevant and important.

The first relates to the Forest Service's past relationship to the property. The Forest Service has worked for several decades on the preservation and the acquisition of the property. This started back in 1990 when the Forest Service undertook a study as to how this could be acquired and how it could become part of a Federal acquisition. Between 1995 and 2000, the agency spent 5 years of nego-

tiation and study in order to successfully bring this property into the Federal system. It involved scores of professionals, lawyers, land managers. After negotiating a price of \$101 million—by the way, the money for this came from the Forest Service's portion of the Land and Water Conservation Fund—the property did come in.

Since 2000, there has also been an effort to protect the property in terms of mineral development. The Forest Service was very active in acquiring the geothermal resource rights that attached to that property.

Since 2000, the Forest Service has been actively involved working and helping the trust on a number of fronts. We have provided technical assistance, fire preparation, fire suppression, law enforcement, and the actual funding that has gone into the future of this property. So I think it is fair to say that there is a very strong commitment by the Forest Service employees and the Forest Service family to the well-being of this important piece of property.

Now, as to the future of Valles Caldera and the key management decisions that lie ahead, I would agree with Mr. Henry. I think restoration is the most essential activity that needs to be undertaken on a sustained basis at the preserve. Two-thirds of the preserve is in forest. It has been overlogged and overgrazed prior to 2000. There are serious revegetation, reforestation needs associated with the property. We need to protect watersheds and riparian areas. We need to decommission roads. There are something like 1,400 miles of roads on the property, and that is going to require attention. Some of these roads definitely need to be decommissioned. I think the Forest Service is in a very strong and good position to do this work.

Secretary Vilsack has directed us across the board to work on landscape scale restoration, and I think a lot of the activities here that need to be done on the property fall within that general framework.

I also want to say, Mr. Chairman, I think this area does need greater emphasis on recreation and tourism, hunting and fishing. There is clearly a demand for these things. The Forest Service actually has a lot of experience in this area. We manage 6 national monuments, 2 of which are also volcanic monuments like this one. There are 21 national recreation areas and 11 national scenic areas which the Forest Service has responsibility for.

Another factor that I think the committee should look at is just the efficiency of management of these lands, and I want to direct your attention to the map over here. More than 95 percent of this 89,000-acre preserve is surrounded by national forest. This is the Santa Fe National Forest. If we really want to think about the importance of landscape scale management, ecosystem management where we look at things in a holistic way on a broader scale, I think there is something to be said about the continuity of management and the efficiency of management and the scale of management which I hope this committee will at least give some attention to.

I would also like to emphasize a few small additional points, one being that I think the Forest Service does enjoy an excellent relationship with the 2 neighboring pueblos, the Santa Clara Pueblo and the Jemez Pueblo. The Forest Service has had an excellent re-

lationship working with State wildlife agencies throughout the country, but also in New Mexico on hunting and fishing-related issues, which I assume will still be part of this facility no matter who manages it.

So I hope these factors will be considered. We have great respect for the National Park System. They clearly also would do an excellent job managing this property. I think it is really a question of emphasis. What issues need to be attended to the most directly and what issues demand the greatest attention? That really is the heart of the question I think in front of you, as you stated earlier.

But in any respect, we do want to be helpful. We want to be cooperative, and whatever decision is made by this committee and by the Congress, we will clearly abide by that and support that.

Thank you very much.

[The prepared statement of Mr. Sherman follows:]

PREPARED STATEMENT OF HARRIS SHERMAN, UNDER SECRETARY, NATURAL
RESOURCES AND ENVIRONMENT, DEPARTMENT OF AGRICULTURE

Mr. Chairman, Ranking Member Murkowski, and members of the Committee:

Thank you for the opportunity to provide the Administration's view S. 3452 the "Valles Caldera Preserve Management Act".

I am pleased to testify today on S. 3452 regarding the long-term management of the Valles Caldera National Preserve, one of the Nation's preeminent scenic and natural areas. The Valles Caldera Preserve Management Act would repeal the Valles Caldera Preservation Act of 2000 (2000 Act) abolish the Valles Caldera Trust, terminate the Preserve's inclusion in the National Forest System and turn over administration of the land to the National Park Service (NPS). This legislation gives us the opportunity to assess the long term management of the Preserve. The Department supports the protection of the nationally significant natural and cultural resources found at the Valles Caldera National Preserve and have worked with the Trust to accomplish these goals over the past several years. We would like to work with the committee to determine the management structure that will provide the highest level of protection and care for the unique resources that are found within the Valles Caldera. However, given the historical and ecological importance of these lands and the work that is required to restore them, there are various jurisdictional options for the long-term management of the Valles Caldera National Preserve that could be considered.

There is no debate about the outstanding natural resources of the 88,900-acre Preserve with its extraordinary flora, fauna, water, and geologic resources. Its spectacular scenic values are among the finest in the National Forest System. Geologically, the Valles Caldera is one of the Nation's best examples of a resurgent caldera. Its archaeological and cultural resources are of major significance to Native American Pueblo people. The challenge before the Congress and the Administration is how best to manage and restore the forested and rangeland watersheds, while sustaining the traditional uses of a working ranch and the majesty of a National Preserve for the Nation.

ROLE OF THE FOREST SERVICE

To assess appropriate future management, some history may be helpful. In 2000, at the hearings for the original Valles Caldera Preservation Act, the Forest Service was complimented as the "unsung heroes" in the great effort to preserve and protect what was then referred to as the Baca Ranch. That accolade is as valid today as it was ten years ago. Beginning in 1990, the Forest Service engaged the ranch owners, the Dunigan family, in what turned out to be a decade long effort to acquire the Baca Ranch. In 1993, the Forest Service cooperating with interested parties including the National Park Service, the U. S. Fish and Wildlife Service and affected Indian tribes completed a major study, the Report on the Study of the Baca Location No. 1 which provided the scientific and public policy underpinnings for Federal acquisition of the Ranch in 2000 (PL 106-248). From 1995 to 2000, the Secretary of Agriculture assigned resource managers and used Department of Agriculture legal expertise to negotiate the purchase of the Baca Ranch for \$101 million. The acquisition of the Baca Location No. 1 by the Federal government also resulted in the expansion of the Bandelier National Monument in the upper watershed of Alamo

Creek as authorized by Public Law 105-376. The acquisition of the Preserve also permitted the Secretary of Agriculture to assign to the Pueblo of Santa Clara rights to acquire at fair market value approximately 5,045 acres of the northeast corner of the Baca Location No. 1 in the Santa Clara Creek watershed to promote watershed management within the Santa Clara Indian Reservation. More recently, significant effort and expense has been invested in acquiring privately owned geothermal rights. With some exceptions, the Administration can report today that due to the efforts of the Forest Service and the Department of Justice, the Federal government is now in possession of title to the Preserve and the land is permanently protected from private development.

ADDITION TO THE NATIONAL FOREST SYSTEM—VALLES CALDERA NATIONAL PRESERVE

Upon the enactment of the 2000 Act on July 25, 2000, the Valles Caldera National Preserve was added to the National Forest System and the boundary of the Santa Fe National Forest was adjusted to include the National Preserve. Hailed as a new experiment in public, multiple-use land management, the nearly 89,000 acre National Preserve, formerly known as the Baca Location No. 1, was assigned to a nine-member Board of Trustees responsible for the protection and development of the Valles Caldera National Preserve. The President of the United States appoints seven members and two Federal employees are ex-officio members who serve by virtue of their positions as Forest Supervisor of the Santa Fe National Forest and Superintendent of the Bandelier National Monument. The Trust is the managing board for the National Forest System lands that comprise the Valles Caldera National Preserve. The Preserve employees report to an Executive Director, who is overseen by the Trust Board members. Funding for the Preserve comes from the annual Forest Service appropriation, which is \$3.5 million for FY 10 and from revenues generated by the Preserve for entry and use. In fiscal year 2009 the Trust generated approximately \$650,000.

Because the Valles Caldera National Preserve is part of the National Forest System, it has the ability to draw upon the considerable resources of the Forest Service. The Deputy Areas for National Forest Systems, Research and Development and State and Private Forestry, as well as Business Operations support and assist the Trust and Preserve managers with services and expertise needed to manage the Preserve. The Southwest Region and the Rocky Mountain Research Station support the Preserve managers through special assignments; such as on-the-ground consultations and specific disciplinary investigations or services. Santa Fe National Forest and Cibola National Forest employees with a wide array of skills are within a short driving distance of the Preserve and are available for immediate consultation on management direction or service program delivery. Wildland fire suppression and management resources, including equipment and personnel, are directly provided to the Preserve as part of the Santa Fe National Forest mission. Over the last decade, the Forest Service has worked closely with the Trust to assist with National Preserve operations, including archaeology, forestry, law enforcement, infrastructure, technical assistance, resource management and wildfire suppression. The Forest Service also provides the Trust with administrative assistance in financial services and property management.

MAINTAINING A WORKING RANCH, WHILE MANAGING A NATIONAL PRESERVE

The debate a decade ago was over how to best manage the newly acquired Baca Ranch. The consensus then was that the land should be preserved as a working ranch where fishing, hunting, grazing, and some limited timber management might be retained. Then Congressman Udall noted in the hearings in March, 2000, that a working ranch would permit both cattle and wildlife to thrive on the land and traditional New Mexican families should have the opportunity to join others who had previously been able to use the land. The concept of a working ranch was widely endorsed. Over the past decade the Trust, with the assistance of the Forest Service, has implemented the concept of the working ranch.

The October 2009 report “Valles Caldera” by the Government Accountability Office found that the Trust had made progress in rehabilitating roads, buildings, fences, and other infrastructure, had created a science program, experimented with a variety of grazing options, taken steps to manage its forests, expanded recreational opportunities, and taken its first steps toward becoming financially self-sustaining. However the Trust is at least 5 years behind the schedule it set for itself. Through FY2009, the Trust lacked a strategic plan and annual performance plans and it had not systematically monitored or reported on its progress. The Trust’s financial management has also been weak and the Trust is challenged to become self sustaining by the end of FY2015. The GAO recommended that the Trust

work with the relevant Committees to seek legislative remedies as appropriate for the legal challenges confronting the Trust

FOREST AND RANGELAND RESTORATION

It is important to note that restoration and resource management issues are already being managed by the Forest Service on approximately 895,000 acres of National Forest System lands in the Jemez Mountains surrounding the Preserve and on the Preserve's Southeast corner adjacent to Bandelier National Monument. The connectivity of the forests, rangelands and waters in the Jemez Mountains of central and northern New Mexico allows for the continuity of natural resource management and for efficient restoration practices to be implemented on a landscape scale. The Forest Service is well positioned to provide landscape and restoration management in the Jemez Mountains, as envisioned by the Administration's priorities for maintaining and enhancing the resiliency and productivity of America's forests.

The paramount priority for the Preserve is to continue and increase watershed restoration work across the Preserve and the surrounding National Forest System lands. The land's long history as a ranch where timber and mining activities occurred degraded much of the landscape. In addition, drought and insect activity threatens the forest and makes catastrophic fire a major challenge. Restoration work in this regard has been initiated and environmental and watershed assessments for developing future restoration projects are in process.

Some of this restoration work has and will continue to deal with roads. When the Baca Ranch was purchased there were approximately 1,400 miles of logging roads on the land. Initially, it was determined that the existing road system and surface design could not be used to support recreational opportunities, administration and management or uses such as grazing.

To date, approximately 875 miles of the 1,400 have been inventoried and once the inventory is completed a determination would be made on the number of miles of road required for management of the Preserve. Through forest restoration efforts, the existing roads that are unneeded for future management would then be closed, decommissioned or obliterated. Presently, the Trust, with the assistance of the Forest Service, has upgraded over 18 miles of road to all-weather gravel standards so they are usable for passenger vehicles and are more environmentally stable. To enhance safety and public viewing of the preserve, the kiosks, scenic turnouts, and a new gate have been installed. In addition, the entry to and exit from New Mexico Highway 4, the main access road to the preserve, has been reconfigured to meet traffic and road safety requirements.

Rehabilitating deteriorating infrastructure such as buildings, roads and water systems has proven to be an expensive and time-consuming endeavor. Many of these obligations will need to be addressed in any future management regime for the Preserve.

APPROACHES TO GRAZING MANAGEMENT

Given that the 2000 Act requires maintaining the Preserve as a working ranch, grazing has been a central activity. Over the years, the grazing program's objectives, scope, and size have changed repeatedly, in response to annual scientific assessments of forage availability, as well as shifting directives from the Board. The ultimate goal is to manage the Preserve's livestock operations for multiple aims, including, environmental benefits, local community benefit, research, and public education.

THE DEVELOPMENT AND EXPANSION OF RECREATIONAL OPPORTUNITIES

For the public, especially New Mexicans, the Baca Location No.1 was an intriguing curiosity. Projected on maps as a prominent rectangle of white surrounded by National Forest System lands and on the Preserve's Southeast corner adjacent to Bandelier National Monument, there were great expectations by the Public for recreating and exploring the new National Preserve. At the outset of Forest Service and Trust management, the National Preserve was closed to public entry. Beginning in 2002, the Preserve was opened to public recreation which was confined to guided hikes or van tours. Over the next several years, access to the Preserve for varied summer and winter activities was allowed, including but not limited to access for fishing, hunting, hiking and various other recreational activities provided by outfitters and guides such as horse drawn wagon and sleigh rides, stargazing and viewing, group tours and birding.

Given the successful history of Forest Service efforts, its commitment to the Preserve and the National Forest System stewardship of the vast majority of lands surrounding the Preserve, management by the Forest Service is a viable option for the

Preserve's future there is ample national precedent for Forest Service administration of such lands. The agency currently manages 38 Congressionally designated areas, including 21 National Recreation Areas, 6 National Monuments (2 of which are national volcanic monuments), and 11 National Scenic Areas. For example the Santa Fe National Forest is managing the 57,000 acre Jemez National Recreation Area established to conserve the recreational, ecological, cultural, religious and wild-life values of the Jemez Mountains.

The Preserve presents many resource management challenges that must be addressed and accounted for if any change in management is considered. The largest elk herd in New Mexico has to be carefully managed in cooperation with the New Mexico Department of Game and Fish. The land needs to be restored after decades of grazing and logging use. Indeed, for the Secretary of Agriculture, restoration of forest and rangelands watersheds is one of the highest management priorities. Under the Forest Landscape Restoration Title of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303), which established the Collaborative Forest Landscape Restoration Fund (CFLRF), the Valles Caldera National Preserve, Santa Fe National Forest, the Nature Conservancy and the New Mexico Forest and Watershed Restoration Institute have developed a proposal for a cross jurisdictional planning process to implement a landscape-scale forest restoration strategy in the Jemez River Watershed. A key collaborator for this proposal, among many, is Bandelier National Monument. To achieve the goals of restoration and resiliency under the CFLRF active management prescriptions utilizing timber and forest vegetation harvesting and removal, prescribed fire, road closures and obliteration, as well as controlled livestock herbivory, would be required to achieve restored and resilient forest and watershed ecological conditions. However, under the CFLRF funding is limited to lands administered by the Forest Service.

CONGRESSIONAL REQUEST FOR RECONNAISSANCE STUDY BY THE NATIONAL PARK
SERVICE

At the request of New Mexico Senators Jeff Bingaman and Tom Udall (June 24, 2009), the National Park Service performed a reconnaissance study of the National Forest System lands comprising the Valles Caldera National Preserve for its inclusion in the National Park System. We recognize that the Secretary of the Interior could also be an appropriate steward of the National Preserve and the Forest Service will work cooperatively with all parties to achieve the best outcome for the National Preserve.

If it is the decision of the Committee that permanent Trust management of the Preserve is not in the public interest and the land is ultimately managed by the Park Service, the Forest Service or some other arrangement, then we would request a thorough and orderly transfer of responsibilities from the Trust. In the interim, we should assure adequate funding for continued operations. In that respect, I note the Administration is recommending continued funding of the Trust at \$3.5 million for FY 2011.

This bill would repeal the Valles Caldera Preservation Act (VCPA), in which Congress authorized the acquisition of a fractional mineral interest under the Valles Caldera Preserve. Although the condemnation action related to the mineral interest has concluded, the judgment and some fees have not yet been paid. Accordingly, we believe that the bill should state explicitly that it is not intended to affect the authority for the condemnation or the amount or source of any outstanding obligations of the United States related to the condemnation of the fractional mineral interest under the Preserve.

In closing, I would note that the spirit of cooperation would be paramount for all agencies to work together for the thoughtful stewardship of the Valles Caldera National Preserve, regardless of the Congresses' decisions regarding administrative jurisdiction.

This concludes my testimony, and I would be happy to answer any questions.

The CHAIRMAN. Thank you very much.
Mr. Wenk.

**STATEMENT OF DANIEL N. WENK, DEPUTY DIRECTOR,
NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR**

Mr. WENK. Mr. Chairman, thank you for the opportunity to appear before the committee to present the Department of the Interior's views on S. 3452 to designate the Valles Caldera National

Preserve as a unit of the National Park System and for other purposes.

S. 3452 would designate the Valles Caldera National Preserve in New Mexico as a unit of the National Park System, transferring administrative jurisdiction of the preserve to the Secretary of the Interior. It would authorize grazing, hunting, and fishing to continue within the preserve.

The Department supports the protection of the nationally significant natural and cultural resources found at the Valles Caldera National Preserve. We would like to work with the committee to determine the management structure that will provide the highest level of protection and care for the unique resources that are found within the Valles Caldera.

The Valles Caldera is considered to be one of the world's best intact examples of a resurgent caldera, and it is of significant size and configuration to allow for long-term, sustainable resource protection and visitor enjoyment. The geologic features of the preserve retain a high degree of integrity, and the preserve's unique setting of expansive grasslands and forests provides outstanding scenic values and an array of opportunities for public recreation, reflection, education, and scientific study.

The national significance of the geological resources of the Valles Caldera was formally recognized in 1975 when the area was designated as a National Natural Landmark. Additionally, the Valles Caldera was the subject of site investigations and new area studies that were completed by the National Park Service in 1939, 1964, 1977, and 1979. The National Park Service completed an update report on the National Park Service 1979 new area study in December 2009 at your and Senator Udall's request. All these studies found that the Valles Caldera was nationally significant, suitable, and feasible for designation as a unit of the National Park System.

If added to the National Park system, Valles Caldera would be managed in accordance with the 1916 Organic Act and other acts that have guided the National Park Service for nearly 100 years, "to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations," with recognition that the bill allows for continued, sustainable grazing, hunting, and fishing.

The Valles Caldera is a spectacular landscape containing nationally significant resources that are worthy of preservation and protection. We look forward to working with the committee, the U.S. Forest Service, and the Valles Caldera Trust to determine the best way to care for these resources and to allow for their enjoyment by all Americans.

Mr. Chairman, that concludes my statement. I would be pleased to answer any questions that you or other members of the committee may have.

[The prepared statement of Mr. Wenk follows:]

PREPARED STATEMENT OF DANIEL N. WENK, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the Committee, thank you for the opportunity to appear before you today to present the Department of the Interior's views on S. 3452, to designate the Valles Caldera National Preserve as a unit of the National Park System, and for other purposes.

The Department supports the protection of the nationally significant natural and cultural resources found at the Valles Caldera National Preserve. We would like to work with the committee to determine the management structure that will provide the highest level of protection and care for the unique resources that are found within the Valles Caldera.

S. 3452 would designate the Valles Caldera National Preserve (Preserve), in New Mexico as a unit of the National Park System, transferring administrative jurisdiction of the Preserve to the Secretary of the Interior (Secretary). The bill would repeal the Valles Caldera Preservation Act and all assets and liabilities of the Valles Caldera Trust (Trust) would be transferred to the Secretary. The bill would also authorize the Secretary to coordinate management and operations of the Preserve with Bandelier National Monument. If S. 3452 is enacted, we look forward to working with the Trust to develop a management plan and capitalize on the proximity of Bandelier National Monument for efficiency of operations, while applying Service First principles of sharing resources as appropriate with the surrounding National Forest.

S. 3452 would authorize grazing, hunting, and fishing to continue within the Preserve and the bill would require the Secretary to ensure the protection of traditional cultural and religious sites including providing tribal access to the sites and temporarily closing specific areas of the Preserve to protect traditional uses. The National Park Service (NPS) has a long history of consultation with First Americans in the preservation and continuation of traditional practices.

Finally, S. 3452 would require that eligible Trust employees be retained for at least 180 days from the date of enactment and the Secretary and the Secretary of Agriculture would be authorized to hire Trust employees on a noncompetitive basis for comparable positions at the Preserve or other units of the National Park or National Forest Systems in New Mexico.

The Valles Caldera National Preserve is an 88,900 acre unit of the National Forest System located in the Jemez Mountains of north central New Mexico. The Preserve was established by Public Law 106-248, the Valles Caldera Preservation Act of 2000, and is managed by the Valles Caldera Trust, a wholly owned government corporation established under the Act. The Trust is charged with mixing elements of both private and public administration while working to achieve resource protection, public enjoyment, and financial self sufficiency goals.

The Valles Caldera is considered to be one of the world's best intact examples of a resurgent caldera (the remains of a huge and ancient volcano with a prominent uplift at its center, in this case present-day Redondo Peak) and is of sufficient size and configuration to allow for long-term sustainable resource protection and visitor enjoyment. The geologic features of the Preserve retain a high degree of integrity and the Preserve's unique setting of expansive grasslands and montane forests provides outstanding scenic values and an array of opportunities for public recreation, reflection, education, and scientific study.

The national significance of the geological resources of the Valles Caldera was formally recognized in 1975 when the area was designated a National Natural Landmark. Additionally, the Valles Caldera was the subject of site investigations and new area studies that were completed by the National Park Service (NPS) in 1939, 1964, 1977, and 1979. An Update Report on the NPS 1979 New Area Study was completed by NPS in December of 2009 at the request of Senators Bingaman and Tom Udall. All of these NPS studies found that the Valles Caldera was nationally significant, suitable and feasible for designation as a unit of the National Park System, and the 2009 Update Report reaffirmed the results of the prior studies. In addition, the Forest Service, pursuant to Public Law 101-556, also completed a study of the site in 1993, which was cited in the Valles Caldera Preservation Act.

If added to the National Park System, Valles Caldera would be managed in accordance with the 1916 Organic Act and other Acts that have guided the NPS for nearly one hundred years "to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations", with recognition that the bill allows for continued, sustainable grazing, hunting, and fishing. The NPS has experience with these activities in our other nineteen preserves.

Based on current expenses for Valles Caldera and the cost to operate park units comparable in size and assets, we anticipate the annual cost to operate and manage the park would be approximately \$22 million for developmental costs and \$4 million for annual operational costs, although more complete cost estimates would be developed through the general management plan. In addition, our 2009 Update Report identifies 5 parcels of private property, totaling 40 acres, that would need to be acquired. Although appraisals have not been completed, the expected costs to acquire

this private property and any transfer costs are expected to be minimal. Funds would be subject to the availability of appropriations and NPS priorities.

Furthermore, as noted above, this bill would repeal the Valles Caldera Preservation Act in which Congress authorized the acquisition of a fractional mineral interest under the Valles Caldera Preserve. We have been advised by the Department of Justice that although the condemnation action related to the mineral interest has concluded, the judgment and some fees have not yet been paid. Accordingly, we believe that the bill should state explicitly that it is not intended to affect the authority for the condemnation or the amount or source of any outstanding obligations of the United States related to the condemnation of the fractional mineral interest under the Preserve.

Finally, should S. 3452 move forward in its current form, the Department would like the opportunity to work with the committee to discuss some of the time periods that are outlined in the bill. We are concerned that the 30 day time periods to develop the memorandum of agreement described in Section 3 and the interim budget in Section 4 may not be sufficient. We will be happy to work with committee staff to address our concerns.

The Valles Caldera is a spectacular landscape containing nationally significant resources that are worthy of preservation and protection. We look forward to working with the committee, the U.S. Forest Service, and the Valles Caldera Trust to determine the best way to care for these resources and to allow for their enjoyment by all Americans.

Mr. Chairman, that concludes my prepared remarks. I would be happy to answer any questions that you or any other members of the Committee may have.

The CHAIRMAN. Thank you and thank all of you on this panel. I appreciate it very much.

Mr. Wenk, let me ask you first of all. When Senator Udall and I asked for you folks to do this reconnaissance study, a main thing we were trying to determine is whether this property met the criteria for inclusion in the National Park System.

Could you state what your conclusion was or what the study determined with regard to that?

Mr. WENK. Yes, Mr. Chairman. The update to the 1979 special resource study and, in fact, any study, examines 4 criteria. The first criteria is national significance, and that question was answered when it became a National Natural Landmark. This criteria was found in all 4 studies and continued in 2009. The second criteria is whether it is suitable for inclusion into the system, and we determined that it was. The third criteria is whether it is feasible, and once again, it was determined to be both suitable and feasible. The fourth criteria is management. Management is typically looked at whether or not another entity is managing it. This comes down really to a question, I think, that the Congress needs to answer in terms of whose management is most appropriate for the area.

The CHAIRMAN. One of the issues—obviously, the leaders of the pueblo communities near the Valles Caldera have great concern, understandably, about the cultural resources on the property. What is the experience that the Park Service has had with regard to protecting of Native American cultural resources of this type in other national parks? Is that something that you have clear protocols for and long experience with or not?

Mr. WENK. Absolutely, Mr. Chairman. The National Park Service protects, I believe, many of the preeminent cultural resources in our country. A portion of the boundary of the Valles Caldera is shared by Bandelier National Monument, which has significant cultural resources. We take great pride in the way we protect resources there, and literally throughout the Nation, not just the

West, as it relates to native populations. I believe that we have the policies, the law, the regulation and policies that makes us one of the leading organizations in the protection of cultural resources.

The CHAIRMAN. Let me ask you, Mr. Henry. If we do not proceed and pass this legislation, the Valles Caldera Trust continues under its current management structure. What do you believe the most significant challenges are for the board and for the preserve in the coming years?

Mr. HENRY. Mr. Chairman, perhaps as I maybe even already said, the biggest issue by far is the forest and restoring that 60,000 acres, two-thirds of that property, to where it can have numbers of people. I am concerned that when campers, bonfires, campfires are turned loose onto the preserve—even though anybody would try to control that access to some degree, but if there are 3,000 or 4,000 people out on the preserve throughout penetrating the interior for the pure enjoyment of it, which is what we all want to do, and during many periods of time when it is really dry, the fire danger is going to be huge. I do not know if you can even allow for a significant part of many years, especially as climate change is occurring and things are going to get drier, until that forest has been restored. I think that is a huge challenge because people are wanting to be on it. We recognize that, but how to do it and do it right and have their safety involved and have what is in the best interest of that preserve taken care of is the biggest challenge by far.

The CHAIRMAN. Has that been a significant factor in the management decisions that your board has made in the last year or last 2 years with regard to allowing access on the property? Do you restrict access because of concern about endangering the forest?

Mr. HENRY. That and other issues right now, Mr. Chairman. We have not finished the environmental planning for human access and use, and so we are doing things on an interim basis as approved by the Council on Environmental Quality. So until we gather that information and we apply it and then we put that information into our environmental planning, we are doing 2 things. We are having a lot of organized events for people to come up there. We have hunting. Of course, it is at a time period when the forest is not as much in danger in the fall, but we do not allow any camping yet. We anticipate that we will. But those would have to be under the right conditions and the right times and the right places no matter who is managing it. Any one of the agencies, indeed, could do that. But that is one of the concerns.

The other concerns are those that we mentioned. We do not think it is right. We think it is against the law to let people have some of the things that they are asking us to do without the environmental analysis first because once you give something, it is hard to take it back and say you cannot do that now because it is not going to be the right thing to do.

The CHAIRMAN. Part of the job of allowing public access and still preserving and restoring the forest and all comes down to a question of resources and how many people you can have doing the management and how much money you can have to take out the roads you do not need and put in the roads you do need and all of that. Have you done any calculation as to what kind of a budget you folks would need to do that the right way?

Mr. HENRY. Yes, Mr. Chairman, we have. We have presented and gone to considerable detail. We think that we need approximately \$4 million a year to run that preserve the way that we think it needs to be run for the next several years in addition to the revenue that we generate off of the way the present law exists, and it provides that we do generate revenue off of user fees.

In addition to that, though, there is capital improvement that has to occur on that place, and we have gone through the basic infrastructure repairs and the new capital improvements, the visitor center primarily, in order to accommodate a significant increase in visitors. We have come up with that being \$14 million to \$16 million as a capital investment. As far as I can tell, the only place that would come from would be Congress.

The CHAIRMAN. All right. Thank you very much.

Senator Wyden.

Senator WYDEN. Thank you, Mr. Chairman.

Just a couple of questions for you, Mr. Sherman. I want to help the chairman and Senator Udall with this legislation. I just have a couple of questions to kind of make sure I really can think through all the implications. We are talking about Forest Service land in New Mexico, and as chairman of the Forestry Subcommittee, there are just a couple of areas I want to make sure I am on top of as we look at this and then other pieces of legislation.

Looking back over the history, you know, my understanding is that the management approach that has been used here for these Forest Service lands for a number of years has not been used on any other Forest Service lands and has been unique to New Mexico. Is that your understanding?

Mr. SHERMAN. Senator, I am not a student in the history of this. I do believe that this approach was modeled after the Presidio approach in San Francisco where a trust was established there to run that particular piece of property. But my understanding is this is a relatively unusual approach, but I cannot tell you whether it has been used elsewhere.

Senator WYDEN. Why do you just see if you can get us some history? Because I looked at some of the material, and it was all explained as being unique to New Mexico.

My understanding also is that this came into being as a result of State-specific legislation dealing with New Mexico and Forest Service lands. Is that correct?

Mr. SHERMAN. This was specific legislation that was passed in 2000.

Senator WYDEN. We are going to work with you. I intend to work very closely with Chairman Bingaman and Senator Udall. I think it is fairly clear we are going to have to think through cooperatively. We are all talking about various ways to try to come up with sensible policies for the Forest Service and still deal with the State-specific kinds of issues. It is my intention to work very closely with you, Mr. Chairman, and Senator Udall.

Thank you. I look forward to working with you as well, Mr. Chairman.

The CHAIRMAN. Thank you very much. I appreciate the testimony, and if we have additional questions, we will certainly be in touch with each of you.

Why do we not go ahead with our second panel? This is 4 witnesses: the Honorable Joshua Madalena, who is Governor of the Pueblo of Jemez; the Honorable Walter Dasheno, who is Governor of the Pueblo of Santa Clara; the Honorable Michael Wismer, who is Chair of the Los Alamos County Council; and Jeremy Vesbach, who is the Director of New Mexico Wildlife Federation. We very much appreciate all of you being here.

Why do we not go ahead with—of course, we will take all of the written statements and include them in the record in full, and we would then like each witness to summarize the main points that we would want to hear.

How do we want to proceed with this? Governor Madalena, the other 2 witnesses are accompanying you I gather?

Mr. MADALENA. Yes, they are. They are my religious leaders in my pueblo.

The CHAIRMAN. Why do you not start and give us your testimony and anything that you would like them to add to that?

Mr. MADALENA. Yes.

The CHAIRMAN. Then Governor Dasheno and then Mr. Vesbach. Then do we also have Mr. Wismer? I guess he is not here. He is still en route. I think he was not able to arrive in time for this newly scheduled hearing.

But, Governor Madalena, thank you very much for being here and go right ahead.

STATEMENT OF HON. JOSHUA MADALENA, GOVERNOR, PUEBLO OF JEMEZ, JEMEZ PUEBLO, NM; ACCOMPANIED BY ADAM WAQUIE, SUPREME SPIRITUAL LEADER, AND JOSE TOLEDO, MEMBER JEMEZ PUEBLO COUNCIL

Mr. MADALENA. Thank you, Chairman Bingaman and Senator Udall. I hope that some of my time will not be taken away. As you know what the protocol is, as Jemez people, we like to do an invocation and also have my religious leaders give us a few words of wisdom as well. I appreciate that.

The CHAIRMAN. Take what time you need.

[Invocation.]

Mr. MADALENA. Chairman Bingaman and Senator Udall, my name is Joshua Madalena. I am the Governor of the Pueblo of Jemez, a sovereign indigenous nation located in the Jemez Mountains about 50 miles northwest of Albuquerque, New Mexico.

Thank you for the opportunity to testify today on S. 3452, the Valles Caldera National Preserve Management Act.

We are here to conditionally support Senator Jeff Bingaman's bill to transfer management of the Valles Caldera National Preserve to the National Park Service.

I have with me today Adam Waquie who is our cacique, or supreme spiritual leader, and Jose Toledo, a member of the Jemez Pueblo Council, former War Captain, and member of our War Council. Each of them will offer short testimony in our Towa language and I will translate.

The Pueblo of Jemez is one of the 19 New Mexico pueblos with 3,400 tribal members, most of whom reside at our pueblo village of Walatowa.

At this time, I would like to give you Mr. Adam Waquie.

Mr. WAQUIE. [Towa language spoken.]

Mr. MADALENA. Mr. Jose Toledo.

Mr. TOLEDO. [Towa language spoken.] Thank you.

Mr. MADALENA. We have known that the Valles Caldera is our spiritual mother since long before we first settled in the region. The Valles Caldera is why we migrated to the area. The Valles Caldera is our cathedral. It is just as important for us as the Vatican is for the Catholics and as the famous Blue Lake is to Taos Pueblo. It is where the spirits of our ancestors reside and it is our most important spiritual place. That is why we never built major villages in the caldera and why we have maintained an uninterrupted spiritual relationship with the caldera.

For many centuries, we have lived in spiritual and ecological harmony with the Valles Caldera. We have taken great pains to protect its resources and its natural beauty. We were the first stewards of the caldera, and we have never faltered in our role as its protectors. Truly, we were and continue to be the first environmentalists.

Today, because of our continued care for the earth, we are able to help our 3,400 tribal members use our existing land and resources for agriculture, grazing, wood cutting, and other traditional uses. The critical issue for us has always been to protect and preserve our natural resources so they sustain us over time. We strive to ensure that everything we do is sustainable.

But we are not just a traditional culture that looks back with nostalgia. We have built upon our core values of conservation to find opportunities to mesh the old with the new, the traditional with the modern. We have a successful heritage and cultural tourism program at the pueblo, including a museum, and we constantly look for ways to collaborate and cooperate with local communities to enhance the economic opportunities for the region.

We continue to hold Indian titles to the Valles Caldera. Indian title is the right of use and occupancy held by American Indian tribes to their ancestor homelands and is the root of all American real estate titles today. Indian title is a fundamental law doctrine of Anglo-American property law that was first acknowledged by the U.S. Supreme Court in its 1810 decision in *Fletcher v. Peck*. The Supreme Court has repeatedly affirmed Indian title, notably in its 1941 decision in *United States v. Santa Fe Pacific Railroad Company* and most recently in its 1985 decision in *County of Oneida v. Oneida Indian Nation*. In the *Santa Fe Pacific* and *Oneida* decisions, the Court repeated that "the Indian rights of occupancy is as sacred as the fee simple of the whites." These decisions are the governing law of Indian title today.

As President Abraham Lincoln said in an 1859 speech in Cincinnati, "I do not mean to say that this government is charged with the duty of redressing or preventing all the wrongs in the world; but I do think that it is charged with the duty of preventing and redressing all wrongs which are wrongs to itself."

We note that section 3(g) of the bill withdraws the Valles Caldera from any entry, disposal, or appropriation under the public land laws, subject to valid existing rights. We absolutely agree that the Valles Caldera should be withdrawn from disposal under the public land laws and that valid existing rights must be preserved

as a matter of constitutional law. We require and will insist on the same consideration for the Jemez Pueblo Indian title to the caldera.

It is critical for us that our ancient and continuing rights to the Valles Caldera not be compromised by this proposed legislation. Our support for S. 3452 is conditional upon the addition of language stating as follows: "Valid Existing Rights Preserved. This act shall not be deemed to terminate, adjudicate or adversely affect any valid existing rights within the Preserve, including Indian title and rights previously established pursuant to the public land laws."

We suggest that this language be added as a new section 5. To avoid redundancy, we suggest that the words subject to valid existing rights" be deleted from section 3(g). Existing sections 5 and 6 would be renumbered.

Our position is that our Jemez Pueblo Indian title to the Valles Caldera must be fully respected and that the caldera eventually be returned to our ownership and our control. We are fully capable of managing and protecting it. We would provide at a minimum the same level of access to hunting, fishing, hiking, and other recreational opportunities as are enjoyed by the public in the caldera.

We understand the funding and management problems faced by the Valles Caldera Preserve and the valid objectives of the S. 3452. One of the original objectives of the Valles Caldera Preservation Act of July 25, 2000 was to make the preserve self-supporting. For a variety of reasons, it now appears that objective cannot be met and Valles Caldera can best be managed and protected for the time being as a unit of the National Park System. As stated, we conditionally support S. 3452 as an interim—as an interim—solution for management of the preserve.

My companions and I wish to thank Chairman Bingaman, Senator Udall, and the committee again for the opportunity to testify on S. 3452. We would be happy to answer any questions you may have. Thank you.

[Towa language spoken.]

[The prepared statement of Governor Madalena follows:]

PREPARED STATEMENT OF HON. JOSHUA MADALENA, GOVERNOR, PUEBLO OF JEMEZ,
JEMEZ PUEBLO, NM

Chairman Bingaman and Members of the Committee: My name is Joshua Madalena, and I am the Governor of the Pueblo of Jemez, a sovereign indigenous nation located in the Jemez Mountains, about 50 miles northwest of Albuquerque, New Mexico.

Thank you for the opportunity to testify today on S. 3452, the Valles Caldera National Preserve Management Act. We are here to conditionally support Senator Jeff Bingaman's bill to transfer management of the Valles Caldera National Preserve to the National Park Service.

I have with me today Adam Waquie, who is our cacique, or supreme spiritual leader, and Jose Toledo, a member of the Jemez Pueblo Council, former War Captain, and member of our War Council. Each of them will offer short testimony in our Towa language and I will translate.

The Pueblo of Jemez is one of the 19 New Mexico pueblos, with 3,400 tribal members, most of whom reside at our pueblo village of Walatowa. The Pueblo of Jemez is an independent sovereign nation with an independent government and tribal court system. Traditional matters are still handled by religious authorities and societies who follow traditions that are thousands of years old. Through perseverance, our people have managed to preserve our traditional culture, religion, and knowledge of our ancient traditional ways regardless of outside pressures. We have also

preserved our complex traditional language, a language anthropologists and linguists refer to as “Towa”. Jemez is the only nation that speaks this language, and our traditional law forbids our language from being translated into writing in order to prevent exploitation by outsiders.

Our people are internationally known for arts and crafts. Pottery, such as bowls, seed pots graffito vessels (elaborately polished and engraved), wedding vases, figurines, holiday ornaments, and our famous storytellers are now in collections throughout the world. In addition, Jemez artisans also create beautiful basketry, embroidery, woven cloths, exquisite stone sculpture, moccasins and jewelry.

[CACIQUE ADAM WAQUIE PEAKS—GOVERNOR TRANSLATES]
[WAR COUNCIL MEMBER JOSE TOLEDO SPEAKS—GOVERNOR TRANSLATES]

We have known that the Valles Caldera is our spiritual mother since long before we first settled in the region. The Valles Caldera is why we migrated to the area long before the arrival of Europeans in the Americas. The Valles Caldera is our cathedral. It is just as important for us as the Vatican is for Catholics, and as the famous Blue Lake is to Taos Pueblo. It is where the spirits of our ancestors reside and it is our most important spiritual place. That is why we never built major villages in the Caldera and why we have maintained an uninterrupted spiritual relationship with the Caldera. Our ancient Towa name for Redondo Peak is Wavema. Wavema is the mother peak of the other volcanic domes in the Caldera. Wavema means that we will never be in want if we continue to live in close to her.

For many centuries we have lived in spiritual and ecological harmony with the Valles Caldera. We have taken great pains to protect its resources and its natural beauty. We were the first stewards of the Caldera, and we have never faltered in our role as its protectors. Truly, we were—and continue to be—the first environmentalists. Because it is our cathedral, because it is the spiritual resting place of our ancestors, there is no one more interested in seeing its natural beauty and ecology protected forever than the people of Jemez Pueblo.

Today, because of our continued care for the Earth, we are able to help our 3,400 tribal members use our existing land and resources for agriculture, grazing, hunting, fishing, wood cutting and all other traditional uses. The critical issue for us has always been to protect and preserve our natural resources so they sustain us over time. We strive to ensure that everything we do is sustainable.

But we are not just a traditional culture that looks back with nostalgia. We have built upon our core values of conservation to find opportunities to mesh the old with the new, the traditional with the modern. We have a successful Heritage and Cultural tourism program at the Pueblo, including a museum, and we constantly look for ways to collaborate and cooperate with local communities to enhance the economic opportunities for the region. We are working closely with the Santa Fe National Forest and the Valles Caldera National Preserve to maintain and protect the Forest as well as literally thousands of our pueblo village, field house and other cultural sites throughout the Forest and the Preserve.

The Jemez Nation originated from a place called “Hua-na-tota” in the Four-Corners area. Our ancestors migrated to the Jemez Mountains in the late 13th century, drawn by the spiritual importance of Wavema and the Valles Caldera. By the time of first European contact in the year 1541, the Jemez Nation was one of the largest and most powerful of the puebloan cultures, occupying numerous puebloan villages that were strategically located on the high mountain mesas and in the canyons that surround the present pueblo of Walatowa and in close proximity to our spiritual center, the Valles Caldera. These stone-built fortresses, often located miles apart, were frequently four stories high and contained as many as 3,000 rooms. They now constitute some of the largest archaeological ruins in the United States. Situated between these “giant pueblos” were dozens of smaller pueblos and literally hundreds of one and two room houses that were used during spring and summer months as base camps for hunting, gathering, and agricultural activities. However, our spiritual leaders, medicine people, war chiefs, craftsmen, pregnant women, elderly and disabled lived in the giant pueblos throughout the year, as warriors and visitors could easily reach at least one of the giant pueblos within an hour’s walk from any of the seasonal homes.

Our current Jemez Pueblo land base consists of 89,000 acres of tribal trust lands. Our ancestral homelands in this area cover approximately 1 million acres encompassing most of the Jemez Mountains and the Valles Caldera.

We continue to hold Indian title to the Valles Caldera. Indian title is the right of use and occupancy held by American Indian tribes to their ancestral homelands and is the root of all American real estate titles today. Indian title is a fundamental common law doctrine of Anglo-American property law that was first acknowledged by the United States Supreme Court in its 1810 decision in *Fletcher v. Peck*. The

Supreme Court has repeatedly affirmed Indian title, notably in its 1941 decision in *United States v. Santa Fe Pacific RR Co.*, and most recently in its 1985 decision in *County of Oneida v. Oneida Indian Nation*. In the *Santa Fe Pacific* and *Oneida* decisions the Court repeated that “the Indians right of occupancy is as sacred as the fee simple of the whites.” These decisions are the governing law of Indian title today. The heirs of Luis Maria C de Baca received the Valles Caldera as an original American land grant in 1858 to settle a conflict with another grant in the area of Las Vegas, NM. The Baca heirs, and all subsequent owners, have held the Valles Caldera subject to continuing Jemez Pueblo Indian title.

Henry Knox, America’s first Secretary of War, reported to President Washington that:

The Indians being the prior occupants, possess the right of the soil. It cannot be taken from them unless by their free consent, or by the right of conquest in case of a just war. To dispossess them on any other principle would be a gross violation of the fundamental laws of nature and of that distributive justice which is the glory of a nation.

President Abraham Lincoln said in an 1859 speech in Cincinnati: “. . . I do not mean to say that this government is charged with the duty of redressing or preventing all the wrongs in the world; but I do think that it is charged with the duty of preventing and redressing all wrongs which are wrongs to itself.”

We have never and we will never consent to losing our Indian title to the Valles Caldera.

We note that Section 3(g) of the bill withdraws the Valles Caldera from any entry, disposal or appropriation under the public land laws, “subject to valid existing rights.” We absolutely agree that the Valles Caldera should be withdrawn from disposal under the public land laws, and that valid existing rights must be preserved as a matter of constitutional law. We require and will insist on the same consideration for Jemez Pueblo Indian title to the Caldera. Just as President Lincoln said in 1859, dispossessing us of our valid existing Indian title rights to the Valles Caldera would be a wrong to America itself.

It is critical for us that our ancient and continuing rights to the Valles Caldera not be compromised by this proposed legislation. Our support for S. 3452 is conditional upon the addition of language stating as follows:

Valid Existing Rights Preserved.—This Act shall not be deemed to terminate, adjudicate or adversely affect any valid existing rights within the Preserve, including Indian title and rights previously established pursuant to the public land laws.

We suggest that this language be added as a new Section 5. To avoid redundancy, we suggest that the words “Subject to valid existing rights,” be deleted from Section 3(g). Existing sections 5 and 6 would be renumbered.

Our position is that our Jemez Pueblo Indian title to the Valles Caldera must be fully respected and that the Caldera eventually be returned to our ownership and control. We are fully capable of managing and protecting it. We would provide at a minimum the same level of access to hunting, fishing, hiking and other recreational opportunities as are now enjoyed by the public in the Caldera.

We understand the funding and management problems faced by the Valles Caldera Preserve and the valid objectives of S. 3452. One of the original objectives of the Valles Caldera Preservation Act of July 25, 2000 was to make the Preserve self-supporting. For a variety of reasons, it now appears that objective cannot be met and the Valles Caldera can best be managed and protected for the time being as a unit of the National Park system. We support S. 3452 as an interim solution for management of the Preserve.

My companions and I wish to thank Chairman Bingaman and the Committee again for the opportunity to testify on S. 3452. We would be happy to answer any questions you may have.

The CHAIRMAN. Thank you very much. Thank you and the elders from your pueblo that you brought with you as well.

Before we ask questions of any witness, let us hear from the other 2 witnesses at the witness table here.

Governor Dasheno, welcome to the committee and please go right ahead.

**STATEMENT OF HON. WALTER DASHENO, GOVERNOR, PUEBLO
OF SANTA CLARA, ESPANOLA, NM**

Mr. DASHENO. Thank you very much, Mr. Chairman, Senator Udall. Thank you, Senator Bingaman, for this honor to come before all of you to testify in regards to this issue.

Similarly, I would like to open up with a prayer from our village to all of us that are here today.

[Invocation.]

Mr. Chairman, Senator Bingaman, and Senator Udall, before we start, I would like to introduce former Governor Michael Chevaria, who is here with me this afternoon. Certainly we extend our prayers and wishes for a good year for all of us from the Pueblo of Santa Clara, and on behalf of our community or for our thanksgiving for what we have been so blessed with with the nature and the lands that we so dearly support and hope as our treasure to all of us.

I am here to thank you for allowing me to appear before you to present these comments on S. 3452, the Valles Caldera National Preserve Management Act.

I am Walter Dasheno and I am the Governor of the Pueblo of Santa Clara, a federally recognized Indian pueblo situated 25 miles north of Santa Fe, New Mexico. Again, I want to thank Senator Bingaman and Senator Udall—and Senator Wyden who left a little earlier—of New Mexico for having introduced S. 3452. I appreciate the opportunity to be able to present the views of the Santa Clara Pueblo on this bill as it addresses matters that are of the most profound importance to our pueblo.

My remarks will be brief, but I do want to note that we have submitted for the record detailed written comments on this bill and I hope that members of the committee will have the opportunity to address themselves to that written testimony which I will simply summarize today.

The Pueblo of Santa Clara has had a long and multifaceted relationship with the Valles Caldera. It has been our hunting ground, our source of traditional materials, and most important, a place of traditional worship for us. The many traditional sites, trails, shrines, and ritual gatherings, areas throughout the caldera remain vitally important and integrally related to our traditional religious practices.

We were fortunate when Congress authorized Federal acquisition of the caldera in the Valles Caldera Protection Act of 2000. Santa Clara Pueblo was allowed to reacquire a portion of its aboriginal lands that had been erroneously included in the patent to the Baca Ranch, lands that encompassed the headwaters of the Santa Clara Creek known to us for centuries as Popii Khanu.

Although several pueblos utilize the caldera for traditional and religious practices, Santa Clara is the only tribe that directly abuts the Valles Caldera National Preserve on the north end of the reservation—I am sorry. The south end of the reservation.

For many reasons, we feel that we have especially substantial interest in actions that affect the management of the preserve.

Santa Clara generally supports the Valles Caldera legislation but with some serious concerns. This legislation sponsored by both yourselves, Senator Bingaman and Senator Udall, would transfer

the administrative jurisdiction of the Valles Caldera National Preserve to the National Park Service. The Santa Clara Pueblo has a long history with the Valles Caldera. It has served as Santa Clara Pueblo's hunting ground, source of traditional materials, et cetera.

Santa Clara's main points of support and concern are:

One, Santa Clara strongly supports section 3, subsection (i), which requires the Secretary to ensure the protection of traditional cultural sites and which grant Santa Clara rights of access to those sites.

Two, Santa Clara strongly supports section 3, subsection (h), the ban on development and motorized access, but asks for an exception to allow Santa Clara members access to parts of Popii Khanu otherwise inaccessible.

Three, Santa Clara Pueblo believes the educational programs in section 3, subsection (d) should include teachings on the pueblos that surround the caldera.

Four, Santa Clara Pueblo strongly opposes the caldera rim trail provided for in section 3, subsection (k).

Five, Santa Clara asks for a provision to support the National Park Service working with Santa Clara's excellent forestry program on forestry management issues and specifically asks that certain provisions of the Tribal Forest Protection Act be applied to Valles Caldera. Santa Clara Pueblo does have a very positive relationship with the U.S. Forest Service and believe they can contribute very importantly to the Valles Caldera management.

Six, Santa Clara asks that repeal of the Valles Caldera Protection Act not affect the portions of the act that pertain to Santa Clara which have ongoing relevance to Popii Khanu and to the issue of mineral development.

Santa Clara is also sensitive to the fire safety issue described by Mr. Henry. Santa Clara has experienced 3 fires, the Oso fire, the Cerro Grande fire, and which now abuts our reservation, the South Fork fire. This needs to be addressed and we can help as a pueblo.

I also have some photographs that I wish to share with you, Senator. The property that Mr. Henry described appropriately is very concerning to all of us. It is very dense, very scary, and is very concerning to us. The fire that is presently burning, the South Fork fire, has been impacting our community because there is a potential for bigger fires. The Cerro Grande fire was probably a small fire that we have had, but this next catastrophic fire could be even bigger than that. So it is very, very critical that steps be made to take some issues to correct this issue of doing some forest thinning along those areas.

So with that, Santa Clara looks forward to working with the New Mexico congressional delegation to ensure the preservation of the Valles Caldera, as well as protection of the pueblo's long interest in this extraordinary region.

Mr. Chairman, Senator Udall and Senator Bingaman, again, thank you very much and God bless all of us.

[The prepared statement of Governor Dasheno follows:]

PREPARED STATEMENT OF HON. WALTER DASHENO, GOVERNOR, PUEBLO OF SANTA CLARA, ESPANOLA, NM

Senator Bingaman, Senator Murkowski, members of the Committee, thank you for allowing me to appear before you to present these comments on S. 3452, the

Valles Caldera National Preserve Management Act. I am Walter Dasheno, and I am the Governor of the Pueblo of Santa Clara, a federally recognized Indian Pueblo situated about 25 miles north of Santa Fe, New Mexico. I want to thank Senator Bingaman and Senator Tom Udall of New Mexico for having introduced S. 3452, and I appreciate the opportunity to be able to present the views of the Santa Clara Pueblo on this bill, as it addresses matters that are of the most profound importance to Santa Clara. Santa Clara Pueblo's lands actually include a portion of the former Baca Ranch, and our lands directly abut the Valles Caldera National Preserve. More importantly, the Pueblo's members have extensively used, occupied and managed large areas of the Pajarito Plateau and the Valles Caldera for many centuries, since long before the white man came to this hemisphere, and we have deep and abiding ties to this land. It continues to be a source of materials for traditional uses and a place of worship for us, and even though we have lost the right we once had, to freely roam over the land and treat it as our own, we continue to feel a deep sense of stewardship for the land, and want to be sure that our experience and our ongoing cultural connections with the land are given due consideration in any decisions affecting the future of this extraordinary place.

INTRODUCTION

Santa Clara Supports S. 3452. I want to say at the onset that we generally support the bill, and we very much appreciate that Senators Bingaman and Udall have undertaken this initiative. As I will explain further, we are especially pleased to see that the bill includes language attempting to accommodate the very important traditional and cultural concerns of Santa Clara and the other Pueblo Indian tribes located near the Caldera, but we also have a number of concerns as to specific provisions of the bill that we do want to bring to the Committee's attention.

SANTA CLARA'S LONG RELATIONSHIP WITH THE VALLES CALDERA.

As many of you may be aware, when Congress first passed the Valles Caldera Preservation Act, in the year 2000, pursuant to which the United States acquired most of the Baca Ranch, Santa Clara was extremely fortunate that Congress made provision in that Act for Santa Clara to reacquire the portion of the Baca Ranch that included the upper reaches of Santa Clara Canyon, an area that we have always referred to as Popii Khanu. This land is part of Santa Clara's heartland, and has been used and occupied by the Pueblo since time immemorial. Our rights in that land, along with the rest of Santa Clara Canyon, were fully recognized by the Spanish territorial government in the 18th century, but after the United States acquired the New Mexico territory in 1848, American authorities essentially ignored our rights, and the original patent to the Baca Ranch was issued in clear disregard of those rights. Regaining full control over Popii Khanu in the year 2000 was a major accomplishment for Santa Clara.

Consequently, from its inception, we have been a close neighbor of the Preserve, and we have worked closely with the Valles Caldera Trust, which was created by the 2000 Act to oversee and manage the Preserve, and with the Forest Service, which currently has ultimate jurisdiction over the Preserve, to improve the Preserve's environment. As I will explain, moreover, we are directly affected in a variety of ways by actions concerning the management and operation of the Preserve, and it is therefore a matter of real concern to us that we are able to continue to maintain a close relationship with the Preserve's new managers, once this bill is enacted into law.

RECOGNITION OF PUEBLO CULTURAL CONCERNS IN SECTION 3(I)

Our connection to the Valles Caldera Preserve is not limited to the area of Popii Khanu, nor is it merely a matter of natural resource management, although that is an important aspect of our concern, as I will explain. More importantly, Santa Clara, like several other Pueblos located near the Preserve, maintains a vital connection with numerous trails, sites, shrines and areas located throughout the Caldera, for the practice of our traditional religion through ceremonies, gathering of medicinal and ceremonial plants and other materials, traditional hunting rituals and in many other ways. These sites are not artifacts of ancient civilizations, but rather are places of present-day worship, that have ongoing significance to and involvement in our religious practices, which remain a powerful binding force within our community. Indeed, the Valles Caldera contains a large number of sites that have traditional and religious significance not only to Santa Clara, but to other nearby Pueblos.

We are therefore very pleased with the language contained in Section 3(i) of the bill, which requires the Secretary of the Interior to ensure the protection of tradi-

tional cultural and religious sites in the Preserve and to provide access to such sites by tribal members for traditional cultural and customary uses, and provides for temporary closure of parts of the Preserve to protect the privacy of those traditional cultural and customary uses. The absence of any such language in the original Valles Caldera Protection Act was a glaring omission, and we welcome this belated recognition of the Caldera's traditional and cultural significance to the Pueblos. We look forward to working closely with Interior officials as they develop the management plan for the Caldera, pursuant to Section 3(b)(4) of the bill, to assure that these vitally important provisions of the law are fully and thoughtfully implemented in that plan, and that the plan fully carries out their intent, while maintaining appropriate respect for the necessary confidentiality of our traditional practices.

EDUCATIONAL PROGRAM PURSUANT TO SECTION 3(D) SHOULD INCORPORATE PUEBLO CULTURAL ISSUES

But we believe that the bill needs to go further in acknowledging the traditional and cultural importance of the Caldera to the Pueblo tribes that surround it. For example, Section 3(d) of the bill, referring to the science and education program that is anticipated to be carried out at the Preserve, makes only scant reference to the "cultural resources of the Preserve." In fact, the relationship of the Caldera to the Native American cultures that surround it is as complex, profound and significant as is the geologic history that created the Caldera. While, of course, we, like other Pueblos, will always insist on maintaining the confidentiality and privacy of our traditional religious practices, much has already been published about Native American cultural affinity to the Caldera, and we believe that the legislation should make clear that this aspect of the Preserve—its existence as a vital place of worship for many Pueblo religious practitioners—should be given prominent emphasis in any educational program designed by the Park Service for visitors to the Preserve. Indeed, since increased public visitation to the Preserve is an apparent goal of the bill, it becomes all the more important that visitors to this magnificent natural landmark be fully informed of its cultural and religious significance to the Pueblos located around it, not only to give them a more profound appreciation of the Preserve, but also to help assure that they will approach the land with an appropriate sensitivity to and respect for our traditional practices and the locations where we engage in them.

SANTA CLARA OPPOSES CALDERA RIM TRAIL CONCEPT IN SECTION 3(K)

For directly related reasons, we must say that we are seriously opposed to the proposal set forth in Section 3(k) of the bill, which contemplates studies leading to the establishment of a Caldera Rim Trail. While this provision appropriately attempts to accommodate Santa Clara's concerns for the privacy of its traditional activities within its reservation lands, as I have stated above, the fact is that Santa Clara, like other Pueblos, has vitally important traditional sites located throughout the Preserve, sites whose protection the Secretary is required to ensure under Section 3(i). We believe that the concept of a hiking trail around the rim of the Caldera is fundamentally incompatible with the Secretary's obligation to protect and assure our access to those sites. Such a trail would unavoidably pose a direct conflict with traditional sites and practices, and we would urge that that provision be deleted from the bill. If, despite our request, the Committee decides to retain this provision, we would urge that it include a requirement that in conducting these studies, the Secretaries will specifically consult with the various Pueblos with respect to their concerns about traditional and cultural shrines and other sites, and that they will pay special attention to the requirements of Section 3(I), including ensuring that any trail that results from these studies is routed in a manner so as to eliminate the risk of intrusion on any area identified in those consultations as having traditional cultural and religious importance to a Pueblo.

BAN ON DEVELOPMENT OF PEAKS IS IMPORTANT, WITH EXCEPTIONS

We believe that the bill appropriately places off-limits to development and motorized access the volcanic domes and other peaks within the Preserve, in Section 3(h), but we do note that in a few instances, Santa Clara must utilize roads that cross into Preserve lands on Cerro Toledo and other peaks on our boundary that are above 9,250 feet in order to obtain access to portions of Popii Khanu that are otherwise inaccessible. We believe that the exceptions set forth in Section 3(h)(3) assure that we will be able to continue to have that access, but we want to note that that is an important consideration to Santa Clara and we want to be sure that those exceptions will remain in the bill. Similarly, we wish to call attention to the importance of Section 3(g), which withdraws the Preserve lands from entry under any

public land laws, mining laws and mineral leasing laws, especially including geothermal leasing. It is critical that this land be permanently protected from any further efforts by private individuals and companies to exploit its natural resources for commercial gain.

SANTA CLARA'S CRITICAL CONCERNS REGARDING FORESTRY MANAGEMENT

In addition to having very substantial ongoing traditional and cultural concerns as to the Preserve, Santa Clara also has a very strong and important interest in the management of the Preserve's forest resources, especially those located in the northeast quadrant of the Preserve, near Santa Clara lands. Santa Clara has put together a large, highly skilled and very active forestry department, that maintains an ongoing, proactive program of management of Santa Clara's forest lands—totaling nearly 45,000 acres—in order to preserve their health and their long-term productivity. We believe that our forestry management practices, which have been developed over the last ten years, are second to none in New Mexico, in terms of their effectiveness in reducing disease, promoting healthy diversity and minimizing the danger of catastrophic fire. We would be more than happy to show members of the Committee and their staffs and representatives of the National Forest Service and the National Park Service the results of our efforts. But we are painfully aware of the potential threat posed to our lands by the fact that federal land managers have not been able to apply the same level or intensity of management to the heavily forested federal lands adjacent to Santa Clara's reservation. Twice in the last twelve years, Santa Clara's forest lands have been devastated by catastrophic fires that began on adjacent federal lands, once in 1998 by the Oso Complex Fire, which burned about 3150 acres of our land on the north side of Santa Clara Canyon, and more importantly in 2000, by the Cerro Grande Fire, which began as a controlled burn at Bandelier National Monument, but quickly spread through portions of the City of Los Alamos and burned 40,000 acres of highly overgrown Santa Fe National Forest lands before wiping out more than 7000 acres of Santa Clara forest. Since the Cerro Grande disaster, while doing our best to restore the burned areas, including the planting of approximately 1.7 million new seedlings, we have redoubled our efforts to see that our unburned forest lands are maintained in such a way that any fire that reaches them will be more manageable and less likely to result in the total destruction of the forest, through controlled burns, thinning projects, understory removal and other advanced forestry techniques.

I mention this to explain why we have a very acute interest in the management and condition of the forest lands in the northeast quadrant of the Preserve, adjacent to Popii Khanu. We already have a good track record with the Forest Service in working on projects on Preserve forest lands. We have been involved in several fire control and suppression and habitat restoration projects within the Preserve in the last several years, and we thus have substantial familiarity with the area already. We believe that in general, the condition of much of that area is just as problematic as were the conditions in the areas of the Santa Fe National Forest that stoked the ferocity of the Cerro Grande Fire. For example, areas of the Preserve near Santa Clara's lands are heavily overstocked, with up to 4000 tree stems per acre (most less than five inches in diameter), rather than the 150-200 per acre that reflects a healthy forest. In addition, we see evidence on the Preserve of spruce budworm disease and other unhealthy conditions. These conditions directly threaten Santa Clara's adjacent lands, especially Popii Khanu and the rest of Santa Clara Canyon, one of the most pristine and ecologically intact watersheds in New Mexico, as well as the health of vast areas of the Preserve that would be affected by tree kills or catastrophic fires in the upland areas. We would very much like to do what we can to help reduce those threats on the Preserve lands.

We have very recently been reminded that these threats are by no means hypothetical. Just three weeks ago, lightning started a fire along the South Fork of Polvadera Creek, just to the northwest of Popii Khanu, that became known as the South Fork Fire. That fire quickly spread to thousands of acres just north of the Preserve boundary and Popii Khanu, and a Santa Fe National Forest spokesperson acknowledged that there was "tons of fuel" in the area for the fire to feed on. That fire spread to nearly 17,000 acres before being largely contained. Our crews have been assisting in fighting the fire, and thankfully, it did not pose a serious threat to any Santa Clara lands. But the danger plainly is there.

SANTA CLARA'S REPEATED EFFORTS TO ASSIST IN MANAGING PRESERVE FORESTS

When we first acquired Popii Khanu, in 2000, we and the Forest Service exchanged mutual Conservation and Access Easements, covering approximately 370 acres of Santa Clara land and nearly 1200 acres of Preserve land along our common

border. The easements generally limit public access, prohibit construction of most types of improvements, restrict tree removal and ground-disturbing activity, and in other ways preserve the natural environment on both sides of the border. They also contain various provisions intended to protect Pueblo traditional practices in both easement areas. The Pueblo proposed including in the easements more detailed language regarding forest management practices in the easement areas, but the Forest Service was unwilling to agree to that language. Regardless, the easements contain important provisions regarding use of the easement areas, and we do believe that S. 3452 should contain language making clear that nothing in the bill would supersede or otherwise limit any provision of the Conservation and Access Easement granted by the United States to Santa Clara with respect to the easement area on the Preserve side of the boundary.

Another opportunity for Santa Clara to become involved in management of the Preserve's forest lands arose in 2004, when Congress passed the Tribal Forest Protection Act, now codified at 25 U.S.C. § 3115a. That Act permits a tribe to request the Secretary of Agriculture to enter into an agreement with the tribe by which the tribe could engage in management activities on Forest Service lands adjacent to tribal lands, when those federal lands have direct ties to the tribal community, in situations where the condition of the Forest Service lands poses a fire, disease or other threat to the tribal forest lands and they are in need of restoration activities. We have submitted a request pursuant to this Act to the Santa Fe National Forest for such an agreement with respect to Santa Fe National Forest and Valles Caldera National Preserve lands adjacent to Santa Clara lands, and we had hoped to be able to finalize an appropriate agreement in the very near future. This would enable us to bring our forest management skills directly to bear on the adjacent federal lands, including forest lands within the Preserve, on a long-term basis, both to improve those lands and also to reduce the threat that they pose to Santa Clara's lands.

TRIBAL FOREST PROTECTION ACT SHOULD CONTINUE TO BE APPLICABLE TO PRESERVE

But the Tribal Forest Protection Act does not apply to lands under the jurisdiction of the National Park Service. We are extremely concerned, thus, that S. 3452 in its present form would jeopardize our ability to enter into a cooperative management agreement under the provisions of the Tribal Forest Protection Act to help improve the condition of Preserve forest lands, and thereby protect our lands from the threats posed by their current condition. We therefore would very much urge the Committee to include in the bill language that would make the provisions of 25 U.S.C. § 3115a directly applicable to the Preserve lands, or at least those lying within six miles of the boundary of Santa Clara's Popii Khanu land. We believe that with our demonstrated skills in proper forest management, we could do much to greatly improve the health of the forested lands on the Preserve. Indeed, we would very much appreciate the opportunity to enter into a broader co-management agreement with the Park Service that would allow us to work with the Service on forestry and other natural resource issues throughout the Preserve. Somewhat similar agreements have been authorized in New Mexico between the Pueblo of Sandia and the Forest Service for the west face of the Sandia Mountain, and between the Pueblo of Cochiti and BLM for management of the Kasha-Katuwe Tent Rocks National Monument. We are well aware of the extent of understaffing in the Park Service, as in many other federal agencies, and we genuinely believe that our resources, skills and experience could be of significant value to the Park Service in helping to protect the health and the long-term security of this important property.

SANTA CLARA OPPOSES REPEAL OF VCPA PROVISION RE POPII KHANU LANDS

Finally, we have a very specific concern as to Section 5 of the bill. Section 5 effectuates the repeal of the Valles Caldera Preservation Act, simultaneously with the termination of the Valles Caldera Trust that was established by that Act. The Preservation Act, at 16 U.S.C. § 698v-2(g), provided the authority for Santa Clara to acquire Popii Khanu, and it also contains provisions establishing that those lands are held in trust by the United States for Santa Clara and are declared to be part of the Santa Clara reservation. We are concerned that the repeal of these provisions of the Preservation Act might give rise to an implication that the Pueblo's Popii Khanu lands are no longer part of its reservation or are no longer held in trust by the United States, and in other respects could jeopardize their current status. Additionally, § 698v-2(g)(3) states that if the minerals underlying Popii Khanu were ever acquired by the United States, they would not be developed without the Pueblo's consent. The United States has in fact now acquired the remaining mineral interest, along with the minerals underlying the Preserve, in a condemnation action that was just concluded last year. We definitely want the prohibition against development of

those minerals without Pueblo consent to remain on the books. We therefore urge that Section 5 of S. 3452 contain language making clear that the provisions of 16 U.S.C. § 698v-2(g) are not repealed, but will continue in full force and effect notwithstanding the repeal of the remainder of the Act.

CONCLUSION

Again, we very much appreciate the opportunity to present the views of the Pueblo of Santa Clara, and we will be happy to continue working with the Committee and its staff in an effort to see that our views are reflected to the full extent appropriate in the final version of this Act. Further, we look forward to working closely with the National Park Service and others within the Department of the Interior in the development of the management plan for the Preserve, and we hope, for the long term, as partners in the management of the Valles Caldera National Preserve.

ATTACHMENT

PROPOSED AMENDMENTS TO S. 3452

1. Page 6, line 10: delete “and”, and insert thereafter the following:

(iii) provides for research into Native American cultural and traditional practices and beliefs concerning the Valles Caldera, but in a manner that recognizes and respects the confidentiality of such practices and beliefs, and provides for means of enlightening visitors to the Preserve as to its cultural significance to Native American groups; and

Page 6, line 11: change “(iii)” to “(iv)”.

2. Delete subsection 3(k) in its entirety, from Page 10, line 6, through Page 11, line 4.

In the event the Committee declines to delete this subsection, we may have suggested language to add that would at least partially address our concerns.

3. Insert new subsection 3(k) (or 3(l), if existing 3(k) is not deleted), reading as follows:

(l) FORESTRY PROTECTION AGREEMENTS—Upon request of any Indian tribe whose forest land abuts the Preserve, which request would meet the requirements of 25 U.S.C. § 3115a(c) if the Preserve land were Forest Service or Bureau of Land Management land, the Secretary shall enter into an agreement or contract with such Indian tribe for comanagement of Preserve forest lands, in accordance with the standards and procedures of 25 U.S.C. § 3115a, treating the Preserve lands as if they were Forest Service or Bureau of Land Management land for purposes of such standards and procedures.

4. On page 14, line 17, insert new subsection (c), reading as follows:

(c) STATUS OF SANTA CLARA LANDS UNAFFECTED— Notwithstanding the repeal made by subsection (a), the fee title lands acquired by the Pueblo of Santa Clara pursuant to the Valles Caldera Protection Act (16 U.S.C. § 698v-2(g)), and any mineral estate underlying such lands, including any portion of such mineral estate subsequently acquired by the United States pursuant to 16 U.S.C. § 398v-2(e), shall continue to be deemed to be held in trust by the United States for the benefit of the Pueblo of Santa Clara, and to be part of the Santa Clara Indian Reservation, and no portion of such mineral estate underlying such lands shall be developed without the prior express written consent of the Secretary of the Interior and the Pueblo of Santa Clara.

The CHAIRMAN. Thank you very much, Governor Dasheno. Again, I think we will go ahead and hear from the remaining 2 witnesses and then have questions of all of the panel members.

Mr. Vesbach, why do you not go right ahead?

STATEMENT OF JEREMY VESBACH, EXECUTIVE DIRECTOR, NEW MEXICO WILDLIFE FEDERATION, ALBUQUERQUE, NM

Mr. VESBACH. Thank you, Chairman Bingaman, Senator Udall. Thank you for inviting me to testify today.

I am Jeremy Vesbach, Director of the New Mexico Wildlife Federation, our State's oldest and largest sportsmen organization. I am here to testify in support of S. 3452, the Valles Caldera National Preserve Management Act.

The Valles Caldera is one of only 3 super volcanoes in the U.S. and one of our most spectacular landscapes. In addition to its unique geology and cultural history, the caldera is of keen interest to hunters and anglers due to its elk herd and high mountain trout fishing. Hunters and anglers everywhere celebrated when the Valles Caldera was purchased by Congress and protected for the people 10 years ago.

However, at that time, the decision to try out an experimental management system based on the Presidio in San Francisco was also implemented. Under this experiment, Valles Caldera is managed by a wholly owned Federal Government corporation known as the Trust and overseen by a board of political appointees who are charged with maximizing revenue to cover expenses. Very quickly, those of us who hunt and fish learned, perhaps earlier than members of the general public, that this system was not going to work for the average citizen.

The first hunting season in 2002 was highly anticipated as the first chance the general public would ever have to go hunting in this jewel of the West, but that anticipation turned sour for hunters when the trust announced it would be charging access fees of \$10,000 to \$12,000 for some of the bull elk hunts. Never before had we seen a plan to charge hunting access fees on public land so high that it would exclude 99 percent of citizens from being able to hunt. Not only did this strike hunters as unfair. This was a marked departure from the basic American tenet that wildlife belongs to the people and hunting opportunity is allocated equally for everyone.

That elk hunting plan ran afoul of State law, but the trust tried several times since then to implement exclusive access fees for elk hunting and has even tried to change State wildlife law.

Today the trust is charging \$1,950 to access the caldera for nearly half of the wild turkey hunts, and there is no State law to prevent this.

If hunters got disillusioned early, I believe the rest of the public soon followed. Today while neighboring Bandelier National Monument hosts approximately a quarter of a million visitors per year, Valles Caldera, an equally spectacular place, hosts just 17,000. Access fees for fishing are substantially higher than comparable public lands, but despite these lower visitor numbers and higher access fees, the budget earmarked from Congress each year is still much higher than comparable public lands that serve substantially more visitors. Local businesses are missing out on the expected economic benefits. Citizens are frustrated with the lack of access. Furthermore, the priorities of the board of trustees have fluctuated greatly as new political appointees take the reins.

It has been 10 years. The public is frustrated. The trust is a highly unpopular plan to commercialize Valles Caldera, and simply put, 10 years later, the way forward is clear. It is time to take a new path and implement a tried and true management system that we know will work so that we can restore this land to the people who own it.

Our State Senate nearly 2 years ago passed a memorial with overwhelming bipartisan support asking the congressional delegation to look at 3 options for new management of Valles Caldera: the U.S. Fish and Wildlife Service, the U.S. Forest Service, or the U.S. Park Service.

The New Mexico Wildlife Federation supported this approach and asked that whichever agency turned out to be the best choice for all the unique needs of Valles Caldera, that hunting and fishing opportunities be guaranteed to continue and be brought within reach of the average citizen to enjoy as a family. We have a petition that was signed by 893 local hunters supporting this position, and nearly 500 more local hunters wrote individual letters to the congressional delegation.

I believe that you have approached this question in a deliberative, open, and fair manner over the course of nearly 2 years and have come up with the only logical conclusion for the future management of Valles Caldera. Hunting is an important cultural activity but also an ecological necessity at Valles Caldera. S. 3452 recognizes that reality and states that hunting and fishing shall be permitted.

The National Park Service preserve is a model that has been applied in many places since 1974, most recently at the Great Sand Dunes National Preserve in Colorado which shares some unique history with Valles Caldera. The approximately 18 national preserves around the U.S. provide a model that we agree makes a good fit for the very high visitor demand and strong public desire for appropriate people management to ensure the caldera is not overrun or damaged by overuse. Furthermore, the caldera shares a common border with Bandelier National Monument, which means the National Park Service has existing infrastructure already close at hand for interpretive work and for the science and education programs the public would like to see expanded.

S. 3452 ensures hunting and fishing opportunities at the caldera will always be within financial reach of all citizens and will bring the wildlife management back in line with the great American tradition of hunting equality. S. 3452 is the answer the public has been asking for and will restore the caldera to the people who own it.

I strongly urge Congress to pass the Valles Caldera National Preserve Management Act. Thank you.

[The prepared statement of Mr. Vesbach follows:]

PREPARED STATEMENT OF JEREMY VESBACH, EXECUTIVE DIRECTOR, NEW MEXICO
WILDLIFE FEDERATION, ALBUQUERQUE, NM

Chairman Jeff Bingaman, ranking member Lisa Murkowski, and members of the committee, thank you for inviting me to testify today. I'm Jeremy Vesbach, Executive Director of the New Mexico Wildlife Federation (NMWF), our state's oldest and largest sportsmen organization. NMWF was founded in 1914 by the famous sportsman/conservationist Aldo Leopold, and helped lead the way to restoration and sound management of our big game herds and other wildlife species that we enjoy today. NMWF today represents over 10,000 hunters and anglers.

I am here today to testify in support S. 3452, the Valles Caldera National Preserve Management Act introduced by New Mexico's Senators, Jeff Bingaman and Tom Udall.

The Valles Caldera is one of America's most unique and spectacular landscapes. It is one of only 3 supervolcanoes in the United States and the oldest of the three. Only the Yellowstone supervolcano is larger and Valles Caldera has often been re-

ferred to as “New Mexico’s Yellowstone.” If you ever go there you will quickly realize that this is an accurate description of this beautiful landscape and national treasure.

In addition to its unique geology, the Valles Caldera also has a long and valuable cultural history that continues today, and this great valley is of keen interest to hunters and anglers due to its outstanding elk herd and high mountain trout fishing. For generations upon generations hunters have found success and inspiration in the Valles Caldera, and hunters and anglers everywhere celebrated when the land was purchased by Congress and protected for the people in 2001.

However, at that time Congress also put in place at the Valles Caldera an experimental management system based on the Presidio in San Francisco, California. Under this experiment, Valles Caldera is managed by a wholly owned federal government corporation (the Trust) overseen by a board of political appointees, known as the Board of Trustees and charged with maximizing revenue to cover expenses. Very quickly, those of us who hunt and fish learned, perhaps earlier than other members of the public, that this system was not going to work for the average citizen.

The first hunting season in 2002 was highly anticipated as the first chance the general public would ever have to go hunting in this jewel of the west. But that anticipation quickly turned sour for local hunters when the trust announced it would be charging access fees of \$10,000 to \$12,000 for some of the bull elk hunts. All the other bull hunts were to be raffled where some individuals could buy hundreds of dollars worth of chances, getting much higher odds to hunt than those citizens of average means. Never before had we seen a plan to charge hunting access fees on public land that would exclude 99 percent of the people from hunting.

Never before had we seen preferential treatment for those of greater financial means to get the best hunts or better chances for hunting on public land. Not only did this strike hunters as unfair, this was a marked departure from the basic American tenet in the North American Model of Wildlife Management that wildlife belongs to the people, and hunting opportunity in our great Nation is equally available for all our citizens.

If hunters were disillusioned early, the rest of the public was soon to follow. Today while neighboring Bandelier National Monument hosts approximately a quarter of a million visitors per year, Valles Caldera—an equally spectacular place—hosts just 17,000 annual visitors. Access fees for a half-day of fishing are substantially higher than other public lands. Yet, despite these low visitor numbers and high access fees, the budget appropriated from congress each year is still nearly \$1 million higher than comparable public lands that serve a much greater visitor load. Local businesses are missing out on the expected economic benefits, citizens are frustrated with the lack of access. Furthermore, the priorities of the Board of Trustees have fluctuated greatly as new political appointees take the reins. When I or other members of the New Mexico Wildlife Federation are out tabling at hunting or fishing shows or talking with local hunters, one of the most frequent issues raised by hunters and anglers was the need to change the system at Valles Caldera—and not let any other public lands be managed this way.

After that first experiment in 2002, where the Trust charged ultra-high access fees to hunt on public land, some astute leaders at NMWF determined that it was actually a violation of state law—and NMWF was able to stop that system, but only temporarily.

In 2008, under more pressure to raise money, the Trust presented a new plan to the State Game Commission in which it would charge \$7,500 or more for elk hunting access fees on the best hunts. Following a massive outcry from hunters, our State Game Commission refused to cooperate with the plan. The Trust then went to our state legislature in 2009 and tried to change state law so that they would be able to charge these exclusive access fees. The state legislature rejected this proposal, but it was disturbing to many of us that an experimental and wholly owned federal government corporation, overseen by presidential appointees and funded by congress, had tried so hard to change New Mexico state law regarding wildlife.

The Trust has retained the plan to charge ultra-high access fees for a portion of the elk hunts and there are ways that the Trust could implement these exclusive hunting fees without state approval. In fact the Trust’s “Revenue Enhancement Plan” also involves construction of a 20-unit luxury hunting lodge on our public land that would only be available for those able and willing to pay the exclusive access fees. The Trust’s revenue enhancement plan also included other massive developments of the Valles Caldera, much of it geared towards a lower number of very high-paying visitors. Despite public outcry, the Trust said it would move forward with the plans. This is the point when the Trust presented a choice for the American People: either move forward with a plan to commercialize one of our great na-

tional treasures and make it a playground geared towards an elite few, or change the management system entirely.

Today, the only other type of hunting currently allowed on Valles Caldera is wild turkey hunting. On nearly half of the turkey hunts on Valles Caldera, the Trust is charging almost \$2,000 each for our citizens to access their own public land to go turkey hunting. Unfortunately, there is no state law to stop this. S. 3452 will end this system of preference and exclusiveness on Valles Caldera.

Imagine if this model were applied to other of our nation's great treasures, and only those of the greatest financial means were able to enjoy the best opportunities on our great publicly owned places? This is not what our public lands are for, and understandably our State Senate nearly two years ago passed a memorial on a vote of 32-3 with overwhelming bi-partisan support, asking our congressional delegation to look at three options for new management at Valles Caldera—the U.S. Fish and Wildlife Service, the U.S. Forest Service, and the U.S. Park Service—and transfer management of the Valles Caldera over to the professional natural resource agency best designed to fit all the unique needs.

NMWF strongly supported this approach and asked that whichever agency turned out to be the best choice for Valles Caldera, that hunting and fishing opportunities be guaranteed to continue and be brought within financial reach of the average citizen to enjoy with their family. Those of us most familiar with Valles Caldera believe that hunting is an absolute necessity and integral to the overall management and health of the land, in addition to its cultural value. S. 3452 recognizes these realities. It guarantees that hunting and fishing shall continue, and will restore this land to the people—all the people.

I believe our Senators have approached this question in a deliberative, open and fair manner over the past two years and have come up with the only logical conclusion for the future management of Valles Caldera.

Hunters, anglers and professional natural resource managers have asked that hunting and fishing be mandated to continue and S. 3452 guarantees that.

Citizens are clamoring for more opportunity to experience the Preserve, but are also saying loudly and clearly “don’t let it be over-run,” and, “don’t let it be loved to death.” Citizens are extremely concerned that the Caldera could be destroyed by over-use. The National Park Service (NPS) is best equipped in New Mexico to provide appropriate “people management” to protect a place with incredibly high visitor demand from over-use while also opening it to one and all. The NPS is already managing large numbers of visitors at Bandelier National Monument, which shares a common border with the Valles Caldera.

The cultural and geological history of the Valles Caldera is unique in the world. Citizens want to see the science and education programs, a positive legacy started by the Trust, to be expanded. Citizens want interpretive work on the Valles Caldera ready to serve visitors and explain the unique natural and cultural heritage of the Caldera. All these demands fit best within the mission of the NPS, which is already doing this same type of work at neighboring Bandelier National Monument and can expand and share resources from Bandelier.

The National Park Service Preserve is a model that has been applied in many states since 1974, most recently at the Great Sand Dunes National Preserve in Colorado. The approximately 18 NPS Preserves around the U.S. provide a model we have investigated and we agree is a good fit for the variety of needs that must be met at the Valles Caldera.

For all these reasons I believe that Senators Jeff Bingaman and Tom Udall have made the only logical and appropriate choice for the people of New Mexico and the nation to fully experience, enjoy and protect this great national treasure. It is time to put Valles Caldera fully in the hands of the people, while ensuring its value for future generations. I urge Congress to pass S. 3452.

The CHAIRMAN. Thank you very much for your testimony.

Mr. Wismer is the Chair of the county council in Los Alamos, New Mexico. We very much welcome you here. Go right ahead.

**STATEMENT OF MICHAEL E. WISMER, CHAIRMAN, LOS
ALAMOS COUNTY COUNCIL, LOS ALAMOS, NM**

Mr. WISMER. Thank you, Chairman Bingaman, Senator Udall. It is a pleasure to represent the community of Los Alamos in these hearings and to provide testimony relative to S. 3452.

I am here today to tell you that or to testify to you that the community of Los Alamos and its surrounding neighbors strongly sup-

port inclusion of the Valles Caldera in the National Park Service as set forth in S. 3452.

In addition to the cultural and natural resources of national significance, it offers an academic research opportunity that promises benefit for both present and future generations.

As you know, the Los Alamos community shares a border with this unique site. We are both proud and protective of the Valles Caldera. Those of us like myself who have been able to gain limited access to these 89,000 acres to hike, bike, hunt, fish, and photograph its beauty are eager to return and share our experience. At the same time, there is a general understanding that access must be managed so that the assets that make this landmark so special are protected.

The permanent preservation and professional management of the preserve would benefit not only New Mexico but also the Nation at large. Inclusion of the preserve in the National Park System would draw a national audience to enhance the area's recreational activity and increase visitation, resulting in support for northern New Mexico tourism and tourism within the county.

I wish to express to the committee members that our community held a number of very actively participated-in public sessions. We held listening sessions throughout the community. In April, the county government passed a resolution unanimously supporting this S. based on the input from the community. There is widespread support in Los Alamos for this decision and this bill.

The preserve's proximity to Bandelier National Monument presents a unique opportunity to consolidate management of the 2 areas and generate cost savings. Joint management of these 2 park sites will serve to enhance communication and integrate management programs that require a regional approach such as fire management, law enforcement, and emergency response.

With respect to the issue of fire management, which is of concern to all of us in northern New Mexico, we would also encourage continuation of the efforts that the Valles Caldera Trust has initiated relative to the Title IV of the Omnibus Public Land Management Act of 2009 which established the collaborative forest landscape restoration program, of which the Valles Caldera Trust has partnered with the Santa Fe National Forest to achieve grants for one of the stated purposes of that legislation, which is to facilitate the reduction of wildfire management costs. We would encourage consideration as the assets are assumed into the National Park Service, should this bill come to fruition, that that effort be continued and that liaison with the Santa Fe National Forest continue.

We believe the National Park Service's 94 years of land planning and management experience qualifies them to ensure the preserve's continued viability, protect local cultural heritage, and promote appreciation and access to this precious site by current and future generations.

We support—we strongly support—your effort to enact new legislation that assigns management of the preserve to the National Park Service, making this the 19th preserve in the National Park System.

Thank you, Chairman.

[The prepared statement of Mr. Wismer follows:]

PREPARED STATEMENT OF MICHAEL E. WISMER, CHAIRMAN, LOS ALAMOS COUNTY
COUNCIL, LOS ALAMOS, NM

Thank you, Chairman Bingaman, Ranking Member Murkowski, and Members of the Committee for the opportunity to be here today. I appreciate the opportunity to discuss S.3452 to designate the Valles Caldera National Preserve ("Preserve") as a unit of the National Park System.

The Incorporated County of Los Alamos, New Mexico (the "County") strongly supports the Preserve's inclusion in the National Park System under the management of the National Park Service as set forth in S. 3452. In addition to the cultural and natural resources of national significance it offers, the Preserve also abounds with recreational, educational and academic research opportunities that promise to benefit both present and future generations.

The Los Alamos community shares a border with this unique site. We are both proud and protective of the Valles Caldera. Those of us who have been able to gain limited access to these 89,000 acres to hike, bike, hunt, fish or photograph its beauty are eager to return and share our experience. At the same time, there is a general understanding that access must be managed so that the assets that make this landmark so special are protected.

The permanent preservation and professional management of the Preserve would benefit not only New Mexico but also the nation at large. Inclusion of the Preserve in the National Park System would draw a national audience to enhance the area's recreational activity and increase visitation, resulting in support for Northern New Mexico tourism and tourism within the County.

Although the Preserve currently contains 35 miles of designated trails and supports a spectrum of recreational activities, visitation rates for the area have remained below those typically expected for an area of this size and significance, as indicated by recent NPS findings. Management by the NPS could expand unrestricted public access and provide for facilities essential to public enjoyment. Increased public use of, and appreciation for, the Preserve will result in increased demand for recreation and convenience goods and related services, thereby positively impacting the Los Alamos, Jemez Springs and the Northern New Mexico economy, stimulating growth in the area, and creating sustainable economic development. Importantly, the Preserve's size will ensure continued support for both public enjoyment and sustainable resource protection into the future.

Enhanced public access to the Preserve is also likely to uphold its educational, cultural and scenic values. This relatively unspoiled resource would further expand and enhance the diversity of volcanic sites represented by other parks in the National Park System, as one of the best intact examples of a resurgent caldera in the world. Further, the Preserve uncovers a unique cultural history with many sites of special significance to Native American communities. There are currently 485 documented historic and archaeological sites in the Preserve. In addition, the Preserve has set up important facilities that educate visitors and the community that must be continued such as the new Science Education Center in Jemez Springs.

On March 4th and 9th the County Council held public hearings on the Valles Caldera. Key issues raised by the community include the need to protect the Preserve while providing access and the need to continue to permit historical hunting and fishing privileges. Further, many people expressed the importance of providing recreational access for hiking, camping and biking access traditionally allowed by the National Park Service.

On April 6th of this year, following weeks of extensive vetting with the public and the two formal public hearings, the County Council unanimously approved a resolution recommending the transfer of management of the Valles Caldera National Preserve from the Valles Caldera Trust to the National Park Service under the U.S. Department of the Interior—to be managed as a preserve.

Congress has designated just a handful of preserves under the National Park Service, including New Mexico's own White Sands National Monument. As confirmed by the Park Service's own assessment, the Valles Caldera's size, configuration and relatively unspoiled landscape of mountain forests and grassland valleys ensure long-term public enjoyment and sustainable resource protection—making it a perfect fit for the National Park system.

Furthermore, the Preserve's close proximity to the Bandelier National Monument presents a unique opportunity to consolidate management of the two areas and generate cost savings. Joint management of these two park sites will serve to enhance communication and integrate management programs that require a regional approach, such as fire management, law enforcement, and emergency response.

As shown in the Updated Report on the NPS 1979 New Area Study, published a couple of months ago, the Preserve contains nationally significant resources, is

suitable for inclusion in the National Park System, and can feasibly be managed by the NPS. Further, there is demonstrated public interest and support for transferring the Preserve's management to the NPS. Thus, the Preserve meets the required criteria for inclusion in the National Park System.

We urge Congress to expedite the transfer of management of the Valles Caldera National Preserve to the National Park Service so that the NPS can offer responsible public access without legislative constraints as part of a temporary plan, while conducting its comprehensive, public planning process for the future.

We believe that the National Park Service's 94 years of land planning and management experience qualifies them to ensure the Preserve's continued viability, protect local cultural heritage, and promote appreciation of and access to this precious site—by current and future generations.

We support your effort to enact new legislation that assigns management of the Preserve to the NPS, making this the nineteenth preserve in the National Park System.

The CHAIRMAN. Thank you very much for your testimony.

Let me defer to Senator Udall at this point to make his opening statement. He was not able to be here. I think he was presiding over the Senate when we started the hearing. So why do you not go ahead with that and then go ahead with your questions? I will come after you.

STATEMENT OF HON. TOM UDALL, U.S. SENATOR FROM NEW MEXICO

Senator UDALL. Thank you very much, Senator Bingaman.

You are correct. I wanted to be here from the beginning, but I was presiding over the Senate. I was unable to find a substitute.

But it is wonderful to arrive and, Senator Bingaman, always a pleasure to work with you on a piece of legislation. Your staff has been remarkable, and your committee staff.

All the witnesses today, thank you for your testimony.

Today we are gathered to discuss the future of one of New Mexico's and our Nation's finest treasures, the Valles Caldera.

I would like to acknowledge those—I have acknowledged our witnesses here but also acknowledge those who are not participating directly in the hearing but have contributed and continue to contribute suggestions on improving the legislation under consideration today, most especially the employees of the Valles Caldera Trust, many of whom have submitted suggestions and worked with my staff and Senator Bingaman's staff to improve the bill. The direct knowledge of the landscape, the resources, and the workings of the caldera that these individuals hold is fundamental to making this the best possible legislation for the long-term sustainability of the preserve. I greatly appreciate the efforts of the trust's staff to work with congressional staff on this legislation.

I also greatly appreciate the years of dedicated service that these individuals have given to the Valles Caldera and the management experiment that they have been a part of. I know that the work of these trust employees is a labor of love and I applaud their dedication to the natural wonders of the caldera. Should this legislation become law, I look forward to continuing to work with those currently employed by the trust to ensure a smooth transition to the Park Service.

An icon of the Jemez Mountains, the Valles Caldera is one of the largest volcanic calderas in the world. The vast grass-filled valleys, forested hillsides, and numerous volcanic peaks make the Valles Caldera a treasure to New Mexico and a landscape of national sig-

nificance, millions of years in the making. It is with humility that we take on the great responsibility of determining the best course of management of the area.

Volcanic activity began in the Jemez Mountains about 10 million years ago. This activity reached a climax about 1.5 million years ago with a series of eruptions that dropped hundreds of meters of volcanic ash for miles surrounding the caldera and gave the surrounding area its distinctive landscapes of pink and white tuff overlaying the black basalt of the Rio Grande rift.

For generations innumerable, the Valles Caldera has been a part of the life of the pueblo tribes of northern New Mexico, and we saw that exhibited today in our 2 pueblo Governors' testimony, Governor Madalena and Governor Dasheno. Today the caldera continues to have important cultural and religious significance, something that must and will be respected and protected should the preserve move into the management of the National Park Service.

With the heavy mandate of self-sufficiency looming over the annual struggle to get sufficient funding for the caldera, Senator Bingaman and I have proposed a new direction for the caldera, and as a new unit of the National Park Service, the National preserve will have a sustainable future with greater access to the public. Since 1939, the National Park Service has conducted numerous studies of the Valles Caldera. In each, the Park Service consistently deemed the area of significant national value because of its unique and unaltered geology and its singular setting. In the legislation under consideration today, the Secretary of the Interior is directed to continue the longstanding grazing, education, and hunting programs that so many New Mexicans value as a once-in-a-lifetime opportunity. By utilizing the resources and skills within the National Park Service, I believe the Valles Caldera National Preserve will continue to prosper as a natural wonder full of significant geology, ecology, history, and culture.

We have already heard from the witnesses, and Senator Bingaman, I will maybe ask a question or 2 and then I am looking forward to your questions and looking forward to the answers.

The CHAIRMAN. Go right ahead.

Senator UDALL. Governor Dasheno, in your testimony you mentioned the coordination that the Pueblo of Santa Clara has had with the Forest Service in the forests that border the pueblo lands. I have actually, I think, been up there with you on those lands when we worked on the original idea of having your religious lands when the Baca purchase was made, that they become a part of your pueblo and the Lannan Foundation, I think, facilitated that.

Could you describe this coordination and how the pueblo was able to coordinate such agreements with the Forest Service?

Mr. DASHENO. Senator, let me just give you another piece of information that just recently happened. As you are aware, there is the South Fork fire going on in New Mexico, and it abuts our reservation to the north. The fire team was supported through the efforts of a type 2 team under the leadership of Clay Templin, who is the manager for the fire team from Arizona in the southwest area. They brought in a team to provide all the things that we identified, cultural protection, watershed protection, and coordination and support through our efforts with the Pueblo of Santa

Clara. This was truly a team effort that took place, and they addressed all of these issues that we talked about, cultural resources protection, advice, all those things that require fire management.

So it started not just at this point, but in the past we have had arrangements with the Forest Service to help us do some tree thinning projects. We have had opportunities where we coordinate management agreements on what we feel are concerns as far as partnerships. As a matter of fact, we have a management agreement called the Valles Caldera Protection Act which somewhat protects the cultural and the forest resources that we have. As late as this morning, we met with the Forest Service and we talked about a new agreement that we would like to introduce that gives us more latitude and more flexibility and working in partnership and doing some major thinning efforts because right now, as I mentioned in my oral testimony, there are literally thousands of acres of forest lands that need to be thinned out. In talking with our local district manager, he said that they would support our efforts. We talked to the area manager, they would support our efforts.

So, Senator Bingaman, our history with the Forest Service goes back many, many years. So all I can say is that they have done good projects with all of us, and as late as this year, through funding assistance under ARRA, they funded a major project to do some work for us and with us in the Santa Clara Pueblo area. So that is the relationship that we have had with the Forest Service.

Senator UDALL. Thank you, Governor Dasheno.

Governor Madalena, can you describe for the committee the difficulties that the Jemez Pueblo has had over time in accessing the religious and cultural sites in the Valles Caldera and was the pueblo able to access religious sites and conduct ceremonies when the caldera was in private ownership which preceded the preserve? Is there any need for more access to the caldera than currently exists under the trust?

Mr. MADALENA. Thank you, Senator Udall. I think one of the things that we all need to understand is we, as Jemez people, one of the most important things that we cherish is the Valles Caldera. The Valles Caldera, like I said in my testimony, is the mother who we are. It sustains us and has sustained us for thousands of years. Wavema is the heart of our people. It is the Redondo Peak, as you call it. It is what gives us life. It is what gives us strength. It is what gives us courage. It is what gives us our identity.

Earlier we talked about fire and the fire restorations and thinning. You folks see it as a fire. We see it as destruction of our herbal gathering areas, destruction of our cultural properties, destruction of our headwaters because the Rio Jemez, the headwaters, is within the Valles Caldera. It has sustained us and that is why we cherish it and consider it a cathedral.

I think one of the most important things that we also need to understand is that when that destruction happens, the water flows down into the pueblo that has been contaminated by the fire and we consume it. We irrigate our fields with the water that has been contaminated. So thinning is a big concern. Restoration is a big concern.

Like I stated, we support the bill under numerous conditions and we also have filed our testimony with a longer version to you folks.

For centuries, our elders, our ancestors suffered a great deal when it came under private ownership. We were not allowed to practice our way of life, practice our tradition and culture, what gives us our identity. We have our freedom of religion that continued to be violated and violated and violated, and our people continued to suffer. When our traditional ways and values are violated and we no longer practice our way of life through our dances, sing in our own language, our people suffer because we as Indian people, especially as Jemez people, when we do our dances, we are also praying for all of you folks. We are praying for the world.

As time came, you folks call it property. We call it our mother. It continued to be transferred from one entity to the next, and one of the things that we kept saying as the Jemez people is that we have gods, we have kachinas, we have the spirits that are within the caldera that you folks continue to transfer from one entity to the next. You continue to anger the gods, the kachinas, the spirits. When we die as Jemez people, our spirits will live among the Valles Caldera continuing to bless my people and all of you. So as the Valles Caldera transfers from one property to the next, I think the greatest thing that happened was at that point in time and juncture was it was transferred to the Valles Caldera National Preserve.

We support the Valles Caldera. We have had a great relationship with the Valles Caldera. They have allowed us to do our dances, to do our songs, to do our rituals, do our ceremonies within the preserve. But we as the Jemez people continue to look in the future for our children and their children and their children because we will continue to stay here. We will stay. We will live in Jemez. The Jemez Mountains will always be the Jemez Mountains. The preserve will always be our mother. We will always do our dances and songs and our rituals on the caldera as we have done for hundreds and thousands of years.

The National Park Service, as you understand, is a concern because the National Park Service are about bringing the public into an area where they have no understanding. They do not understand what we know and how we cherish and how we worship this area. The National Park Service bring in the public and we are talking about hundreds and thousands of people where our ancestors are living, where we have tribal cultural properties by the thousands. So it is a concern for the Jemez people. For the Jemez living in Walatowa today, by force we live in Walatowa. If we had a choice, we would continue to roam in the Jemez Mountains today. We hope that 1 day that we can go back to our mother. We all cherish our mothers. We want to go back home.

But we have also got to talk about today and the future, its protection. We conditionally support the bill, but we also support the Valles Caldera Preserve because they have done a wonderful job in supporting our needs. I was told recently that this bill will allow you Jemez people to no longer do your worshipping in the dark. You have admitted that you are allowing or have pushed Jemez to worship in the dark and that we will no longer worship in the dark and that will worship in the light. It should have been that way from time immemorial as we had done before the European contact in the area.

So my answer to all of your questions is that we will do what is in the best interest for the pueblo of Jemez for our people, and we are doing it also for our ancestors. Our ancestors continue to ask for those lands to be returned, but they were denied, as I stated earlier, even with the access.

We have an excellent working relationship as well with the Jemez ranger district. The Forest Service has also done a wonderful job to meet the needs of the Jemez people. But always, always, Senators, there is always a funding issue. I believe the Valles Caldera was already set up to fail in the beginning because of the limited amount of funding that was provided to them and for them to sustain themselves the best way they could, and they did the best they could.

But we also as the Jemez people have got to take a look at—as stated earlier, I want to make sure that the herbs, the medicine that is within the Valles Caldera also be protected for the Jemez people because we will continue to consume those medicines and those herbs for thousands of years that we will continue to live in those areas. We are going to stay. We are staying.

So, Senator Udall, I hope I answered your questions.

Senator UDALL. Thank you, Governor Madalena. I want to thank both Governors and the religious leaders that came from Jemez to be here with us and the blessings that they brought upon this committee hearing.

You have raised clearly some very important issues. We want to work with you on those issues in this legislation, as we have been doing leading up to this hearing and as will happen subsequent to the hearing.

So with that, Senator Bingaman, let me just thank you once again for allowing me to participate in this. You have been an excellent partner. I think we have worked on this for many, many years. So I am finished with my first round here, and if we have time, maybe I will ask a few additional questions.

The CHAIRMAN. Thank you and thanks for the good work you have done on this and all the other joint efforts we undertake here.

Let me just ask each of the Governors a question. Governor Dasheno, one of the interactions that Santa Clara Pueblo has with the Park Service is with Bandelier National Monument. As I understand it, the Park Service has a tribal outreach program where they have affiliated pueblos that work with them in connection with Bandelier Monument.

Have you had experience with that? Do you think that has worked? Do you think something like that is useful? If this were to become part of the responsibility of the Park Service, should that occur here as well?

Mr. DASHENO. Senator Bingaman, certainly we look forward to what will be done. Of course, as part of this process, one recommendation that we will make is to possibly look at an opportunity to be part of the management team. We talk about Federal agencies, but I feel that tribal government should be part of the management team to be part of what recommendations would be developed.

Just Monday before I came, I met with the superintendent from Bandelier, and we talked specifically on this question. What do we

do should transfer occur with the Valles Caldera? We have an agreement in place, but I suggested to him that I want to go beyond that. I want to develop a long-term partnership in terms of what we do and what we look at, programs such as interpretation, programs such as accessibility, programs such as cultural protection, programs such as farm management, programs such as exchange programs where we have some of our tribal people to be trained in how to manage these types of resources.

So, Senator Bingaman, I do support what you are suggesting, and we have talked about that with the superintendent as of this past Monday. So we already have an existing agreement in place, but we are going to expand that not specifically just because of Valles Caldera but because of what relationship I feel we need to become better partners with the National Park Service because there are issues that we face. We have had a good relationship. We do not necessarily always agree, but we do not necessarily always disagree either. So I feel that this is a challenge for all of us to begin to become better partners in this process.

But I also feel that the Forest Service should also be a part of this partnership because of the Tribal Forest Protection Act. There are issues that are in place that need to be considered.

So with that, Senator Bingaman, I certainly appreciate what you are doing. Obviously, our concerns are to work with both of you and to see what we can do to make sure that all of these issues are encompassed in this partnership between Federal, State, and local communities and local governments, including ourselves. This truly could become a partnership that includes and expands into co-management. We talked about co-management as an issue. So there is co-management that could be introduced to expand on what the plan is going to be for the future. I realize that it is going to take up to 3 years to develop a plan and to incorporate an implementation package. So I hope that when it becomes a reality, that we will be at the table with all of you and all of us working together.

Thank you very much.

The CHAIRMAN. Thank you.

Governor Madalena, let me ask you about the provisions in current law, as well as in the proposed bill, related to development or motorized access particularly on Redondo Peak but other of the volcanic domes and peaks in the preserve as well. As I understand it, current law really has some protection in there above 10,000 feet with regard to Redondo Peak but nothing with regard to other peaks and domes in the Valles Caldera.

What are your thoughts on those restrictions and whether they are adequate in what we have proposed or whether they should be different?

Mr. MADALENA. Chairman Bingaman, I believe that one of the issues that we had discussed previously in our meetings is that Jemez' recommendation was to lower the elevation and protect all of the peaks and all of the domes within the Valles Caldera because all of them are sacred to the Jemez people, and we continue to go on these domes and peaks to worship and pay tribute to our spirits. I think one of the things that I had made a recommendation to you folks was for the Jemez people that the elevation be

dropped down to the base of each peak, and I believe that your compromise or in the bill it states it was dropped down to 9,250, which also protects the other domes in the area which we really do appreciate.

I think one of the things that we are very concerned is motorized vehicles are not allowed above 9,250. Our concern is the National Park Service will bring in hundreds of thousands of people and not understanding Jemez' way of life and our culture and the tribal cultural properties that are within the thousands in those areas will be desecrated. Right now, the Jemez people believe that we also need to implement or amend the bill to add that no hiking be allowed above 9,250 with respect to the Jemez and all of the cultural properties that we have in these areas. We wish that the domes themselves, the peaks would be protected down to the base because from the top down to the base are medicinal herbal gathering areas when we do our religious activities. So it concerns us greatly that these areas will be trampled by people out of curiosity as western civilization is always curious about the first people, the Native Americans, especially the pueblo people, the Jemez people. So those are the areas that really concern us.

With respect to the bill, I would like for the Jemez to continue to be consulted and continue to be on the table when these discussions are going to be spoken. I think that was the request before, but I do believe that I stated earlier we have testimony that we filed, a longer version, and many concerns that we have within the Valles Caldera.

So one of the things that we totally do not want is access to these domes and peaks, especially during the times when we close these areas because we will definitely close these areas because the curiosities are always around taking photographs. It is of great desecration to do that.

The western civilization is always curious on how we live our lives and how we practice our way of life.

We continue to provide offerings and tribute to the great spirits so they can continue to provide us with sustenance and also we are always paying tribute on behalf of you Senators and the United States of America from President Obama, Congress, to all of the communities within what we call the United States of America.

Thank you.

The CHAIRMAN. Thank you very much.

Senator Udall, did you have additional questions?

Senator UDALL. I wanted to ask Chairman Wismer. You know, your county has interacted with Bandelier National Monument, and you have experience with that. Based on the county's interaction with the Park Service at the monument, what kind of difficulties or successes would you expect to experience with a new unit of the Park Service at the Valles Caldera?

Mr. WISMER. Thank you, Senator, for that question.

Yes, we have engaged in many aspects with the staff of the Bandelier National Monument and with their superintendent.

Based on the hearings that we had and the very vocal public input that we had, I would answer that question by saying we do not anticipate very many problems at all. In fact, Senator, we would believe that the requirement that is put in the legislation for

consultation and collaboration with the public and the pueblos will satisfy the need to work with them. We have discussed the potential management plan that they would put together and how we could most likely take part in that management plan because it affects many of our citizens and the access that they require, and they have been open and receptive.

Our citizens have also underscored the scientific management principles that are being used at the Valles Caldera currently now by the staff, and the Bandelier staff has embraced a lot of the work that is being done on the preserve as it is now and that is very satisfactory to our community.

So we anticipate a strong bond and a strong relationship as this process moves forward of initial opening by the Bandelier National Monument and then the subsequent 3 years to put together a management plan that is done in collaboration and open communication with the entire community.

Senator UDALL. Thank you.

Director Vesbach, do you believe that the bill as written gives adequate protection for continued hunting and angling in the Valles Caldera under the management of the Park Service?

Mr. VESBACH. Senator Udall, we do believe that. That was a critical consideration for our support of the bill, and we believe that the language does guarantee that hunting and fishing will be permitted on the preserve. Like I said, that is an ecological necessity in addition to being an important cultural activity. We have also looked at other national preserves out there and feel that they are a good model. Big Thicket, the first one, has recently expanded their hunting opportunity, and I think as hunters engage with the Park Service, the Park Service will find that this is a real necessity on the preserve.

Senator UDALL. Have your members had good experiences with other units of the Park Service in terms of hunting and angling?

Mr. VESBACH. We spoke with the Colorado Wildlife Federation, for instance, with Great Sand Dunes National Preserve, the latest one. They said, yes, there has been good interaction there. That unit has a national park that you have to go through to get to the preserve, and that caused some issues, but the preserve designation itself—what their thought was if they had made more of it a preserve, it would have been better. The preserve portion everybody was happy with.

Senator UDALL. Thank you very much. Thank you to all the witnesses today. Thanks again, Chairman Bingaman.

The CHAIRMAN. Thank you all very much. It has been useful testimony, a useful hearing. Thank you again for rearranging your schedules to be here on short notice. I very much appreciate that.

We will leave the committee record open for a week, and so we would ask if you have any additional comments or ideas or suggestions that you would like to submit to the committee, please try to do so by the end of business next Wednesday if possible or by the end of next week. There will still be time.

But we appreciate you all being here, and we will try to take your good suggestions and take those into our thinking as we try to proceed forward.

That will conclude our hearing. Thank you.

[Whereupon, at 4:07 p.m., the hearing was adjourned.]

APPENDIXES

APPENDIX I

Responses to Additional Questions

RESPONSES OF HON. WALTER DASHENO TO QUESTIONS FROM SENATOR MURKOWSKI

Question 1. In your mind, who would be the best steward of the Valles Caldera, the Park Service, the State, the Forest Service, or would you prefer to see the land turned over to the Pueblos jointly manage?

Answer. We believe that the Park Service is well-suited to manage the Preserve but as we stated in our testimony, we believe that involving Santa Clara in co-management of the forested lands would, in our view, greatly improve the quality of management of those lands.

Question 2. Do you believe the Park Service will continue both grazing and hunting on the Preserve into the future?

Answer. We expect that the Park Service will manage the Preserve in accordance with its best judgment as to preservation of the natural resources there. How that will affect specific activities we are unable to say.

RESPONSES OF DANIEL N. WENK TO QUESTIONS FROM SENATOR BINGAMAN

Question 1. As a result of significant logging when the land was in private ownership, the forests in the Preserve are in need of significant restoration work. Can you describe the authority and experience the National Park Service has to apply to forest restoration treatments in the Valles Caldera?

Answer. The National Park Service (NPS) and Bandelier National Monument have a broad range of experience in forest and vegetation restoration using best available science, monitoring and evaluation, and adaptive management to achieve approved land management goals. Forest vegetation restoration programs within Bandelier involve collaborative efforts from all levels of NPS and focus on ecological restoration for the long term.

Bandelier continues to use mechanical treatments (thinning), prescribed fire, and managed fire for ecological benefits. All of these efforts are in collaboration with park staff, other interagency partners, and the local community and decisions are directly related to the fire ecology program. Bandelier staff have experience with landscape-scale ecological restoration treatments, initiating the scientific and archeological study of erosion and unnatural fire conditions on its mesa top landscape consisting of approximately 4,700 acres of pinion juniper woodlands. Bandelier and Santa Fe National Forest personnel also have a collaborative fire ecology monitoring program to enable landscape-scale adaptive management related to vegetation maintenance and restoration.

Question 2. My understanding is that Bandelier National Monument has participated in the development of a collaborative forest restoration proposal that has been nominated by regional officials from the Forest Service and Department of the Interior for possible selection under the Collaborative Forest Landscape Restoration Program (Title IV of P.L. 111-11). A portion of the landscape that is proposed for restoration treatments is within the Valles Caldera National Preserve. If the Preserve is transferred to the National Park Service, could the Park Service implement the portion of the proposal on the Preserve?

Answer. The NPS can implement forest restoration at the Valles Caldera National Preserve (Preserve) if assigned responsibility for that task. The Preserve contains approximately 45 percent of the total acreage of the Southwest Jemez Mountain project submitted by the Santa Fe National Forest and Valles Caldera National Pre-

serve under the Collaborative Forest Landscape Restoration (CFLRA) Program. The proposal was one of ten selected nationally for funding on August 13, 2010 by the Secretary of the Agriculture. The U.S. Forest Service (USFS) funded \$392,000 for 2010 (for activities on both the Santa Fe National Forest and Valles Caldera Preserve) and anticipates up to \$35 million in funding over the next ten years. Representatives from Bandelier National Monument have been partners with the USFS, the Preserve, and others in collaboratively developing the strategy for forest restoration.

The NPS is a strong supporter of the CFLRA proposal as currently drafted. Directed toward establishing forest ecological health, including return of a natural fire regimen, the project envisions a cooperative effort among land management partners that would improve treatment effectiveness while reducing costs. Because wildland fire recognizes no boundaries, restoration of forest ecosystem health and reduction of the potential for destructive wildland fire will be important management goals if the Preserve is transferred to NPS.

If S. 3452 is enacted, the NPS would have to develop a funding strategy for forest restoration at the Preserve. Projects are chosen competitively based on merit-based criteria.

The potential for carrying out forest restoration at the Preserve under NPS management, as well as the timing of such an effort, would not be known until the transfer was completed and initiation of project fund requests was undertaken.

RESPONSES OF DANIEL N. WENK TO QUESTIONS FROM SENATOR MURKOWSKI

The purchase of the Valles Caldera cost the federal government \$100 million in 2000. Both in 1979 and in 2009 your agency concluded that the Baca Ranch would make a good National Park property. Now Senators Bingaman and Udall have introduced a bill to transfer the lands to your agency.

Question 1. Can you give me an estimate on the amount of funds the Park Service has expended on the Valles Caldera Preserve since 2000 in hard appropriated funding as well as services-in-kind work?

Answer. The National Park Service is a member of the Ecology Group (Group), comprised of staff from various federal agencies, that has contributed significant amounts of in-kind work to the Preserve since 2001. The Group collaborates with and contributes to ecological research on the Preserve, including surveying and helping build an extensive riparian enclosure; maintaining a Preserve-wide rain gauge network; mapping prairie dog, beaver, and willow populations; fencing rare bog birch clumps; scouting and field-collecting hundreds of fire-scarred tree-ring samples; coordinating and collaborating on the Preserve's fire program; tracking elk and turkey populations; and helping with a study of elk calf mortality. Because the Preserve is directly adjacent to Bandelier National Monument, these projects add to the information used by the National Park Service in its management of the Monument. Although it is hard to assess a contributed dollar amount for just the NPS, the agency has contributed an estimated \$30,000 of in-kind work over the past decade.

Prepared by the NPS Intermountain Regional Office's Planning Division, in conjunction with various partners, including the Valles Caldera Trust and the USFS, the Update Report on the NPS 1979 New Area Study, completed by NPS in December of 2009 at the request of Senators Bingaman and Tom Udall, cost NPS approximately \$22,000 in employee time and travel.

Question 2. Can you give me an estimate on the cost of bringing the property up to Park Service standards, including the cost of new infrastructure such as a visitor's center, etc.

Answer. Based on current expenses for the Preserve and the cost to operate comparable NPS units, we anticipate the annual cost to operate and manage the Preserve would be approximately \$4 million for annual operational costs, although more complete cost estimates would be developed through a General Management Plan. The initial cost to develop infrastructure, which may include a visitor center, a maintenance facility, trails, roads and parking, exhibits, could be about \$22 million, but would depend largely on the planning process and the public's input into that process.

Question 3. Can you compare and contrast the Santa Fe National Forests fire fighting capabilities with that of the Bandelier National Park's fire fighting capabilities?

Answer. Bandelier National Monument shares fire management capabilities and has agreements in place with the Santa Fe National Forest, the Bureau of Indian Affairs, the Los Alamos National Lab, New Mexico State Forestry, and other partners in the Santa Fe Zone to utilize interagency resources during fires.

The structure of Bandelier's fire management division is somewhat different from the Santa Fe National Forest. In addition to suppression resources, Bandelier hosts aviation, fuels management, a wildland fire module, and a fire ecology program, which supports a fire effects crew. The fire ecology program and fire effects crew are key contributors to basing our fire management objectives on science-based adaptive management. These functions all reside within Bandelier's Division of Fire Management and help integrate fire management activities within the monument and on an interagency basis.

For the past 10 years, Bandelier National Monument has been a key player in the Santa Fe Zone. Bandelier National Monument manages the Santa Fe Zone Interagency Fire Center heliport. The type 3 contract helicopter and the interagency 10-person crew that serve the Santa Fe Zone are assigned to this facility.

Question 4. Can you compare the fire fighting capability of the Forest Service to that of the National Park Service's fire fighting capability?

Answer. Federal wildfire response requires an interagency and intergovernmental response, and therefore comparisons of the two agencies' capabilities are difficult to make. Both the NPS and the USFS are members of the National Wildland Fire Coordinating Group which establishes standards for firefighters and firefighting assets. NPS assets meet these national standards and training, as do all assets from DOI agencies and the USFS. In number, NPS firefighting assets are only a fraction of the of the USFS assets; however, all of the land management agencies work across boundaries on an interagency basis. That coordination is critical to wildland fire management and safety.

RESPONSES OF HARRIS SHERMAN TO QUESTIONS FROM SENATOR MURKOWSKI

Question 1. Can you give me an estimate on the amount of funds the Forest Service has expended on the Valles Caldera Preserve since 2000 in hard appropriated funding as well as services-in-kind work?

Answer. Public Law 106-248 enacted on July 25, 2000 authorized Forest Service interim management of the Valles Caldera National Preserve (VCNP). There were no appropriations in 2000 for the VCNP. Since 2001, Congress has appropriated nearly \$30 million (\$29, 893,000) to the Forest Service for the Valles Caldera National Preserve. The annual appropriations for the VCNP cover personnel salary and operations, including Forest Service Law Enforcement and Investigation patrols for the VCNP.

The Santa Fe National Forest funds wildland fire prevention and suppression for the VCNP, which includes prevention, detection, initial attack and extended attack fire operations. Since 2005, the Santa Fe National Forest has spent just over \$1 million (\$1,016,820) for wildland fire suppression operations for the VCNP. Further detail is provided in the answer to question 2.

Question 2. Since the Forest Service became responsible for fire fighting on the Preserve how much has it cost the Forest Service to provide those services?

Answer. All of the wildfire suppression costs on the VCNP are covered by the Forest Service. These costs can vary depending upon annual fire severity conditions. For example, in FY 2005 there were 15 lightning-caused fires on the VCNP suppressed at a cost of \$795,200. These fires include the Valle Fire that required a Type II Incident Management Team. Since FY 2006 to date, there have been approximately 27 small fires that have burned a total of approximately 63 acres and have cost approximately \$221,620.

The VCNP is included in the aerial fire and smoke detection flights conducted by the Santa Fe National Forest. The Forest Service assesses no charges to the Preserve, Bandelier National Monument or any of the adjacent jurisdictions for these flights. The hourly flight rate for a detection flight is \$1,100 per hour. These flights also cover Pueblo (Tribal), Department of the Interior (BLM lands and U.S. Fish and Wildlife Service refuges) and privately-owned forest and range lands (New Mexico State Forestry jurisdiction) within or adjacent to the Santa Fe National Forest.

Question 3. Can you compare and contrast the Santa Fe National Forest's fire fighting capabilities with that of the Bandelier National Park's fire fighting capabilities?

Answer. The Santa Fe Fire Dispatch Zone is comprised of Federal, State and county/municipal wildland fire management agencies. The Federal component is comprised of the Santa Fe National Forest, the Bureau of Land Management New Mexico State Office, the National Park Service Bandelier National Monument, the BIA Northern and Southern Pueblos, and the U. S. Fish and Wildlife Service. Wildland fire suppression resources are shared across the dispatch zone. The Santa Fe Zone Dispatch Center (located at the Supervisor's Office for the Santa Fe Na-

tional Forest) provides all of the wildland fire dispatch coverage for Bandelier National Monument as well as the VCNP. None of the dispatch center costs are apportioned to other agencies.

The Santa Fe National Forest also fully funds an exclusive use Type 3 helicopter contract (the helicopter is not a National resource and can only be dispatched regionally or nationally, if requested) as well as the 7-person crew. Through an agreement with the Forest Service, the Bandelier National Monument provides 3 personnel for the helicopter to ensure 7-day coverage. At peak fire season, Bandelier National Monument has 18 fire personnel, and the Santa Fe National Forest has 104 fire personnel. From the surrounding Northern New Mexico communities, the Santa Fe National Forest can also staff up to 4 Southwest Fire Fighter 20-person crews for local or national suppression needs.

Question 4. Can you compare the fire fighting capability of the Forest Service to that of the National Park Service's fire fighting capability?

Answer. Comparisons of firefighting capability are difficult because Federal wild-fire response is interagency in nature and Federal, State, Tribal, and local wildland firefighting agencies work cooperatively across jurisdictions when responding to wildland fires. Firefighting assets are highly mobile, and wildland fire agencies share assets to increase operational efficiency and best serve the public. Employees from both the Forest Service and the National Park Service (NPS) serve on national and regional incident management teams. Forest Service crews and other assets, including aircraft, are routinely deployed as interagency assets on NPS and other Department of the Interior (DOI) fires; likewise, DOI assets are deployed to fires on National Forest System lands.

For FY 2010, Congress appropriated to the Forest Service \$675 million for Wildland Fire Management Preparedness, \$998 million for Wildland Fire Management Operations—Suppression, \$71.3 million for National Fire Plan State Fire Assistance, \$9 million for National Fire Plan Volunteer Fire Assistance, and for \$413 million for FLAME¹ Suppression Reserve.

The Forest Service provides the majority of aviation assets; the FY 2010 Wildland Fire Management appropriation supports contracts for 19 air tankers, 2 single engine air tankers (SEATS) and on a call-when-needed contract, 1 very large air tanker (DC-10) as well as 1 transport jet (737-200). Supporting the air tankers are 15 lead planes, 14 of which are on contract, as well as 127 helicopters.

The FY 2010 Wildland Fire Management appropriation funds 400 fire prevention specialists, 67 type 1 hotshot crews (1,340 personnel), 320 smoke jumpers and 10,480 full time fire fighters as well as 950 wildland fire engines.

A direct comparison of fire fighting capability between the Forest Service and the National Park Service is difficult to make because the Department of the Interior's Wildland Fire Management budget is not assigned by bureau. However, the FY 2010 appropriations for the Department of the Interior provided \$290.5 million for preparedness, \$258.8million for suppression operations, \$7 million in rural fire assistance, and \$61 million for FLAME Suppression Reserve.

RESPONSES OF STEPHEN HENRY TO QUESTIONS FROM SENATOR MURKOWSKI

The 2000 Valles Caldera Preservation Act said: "The Valles Caldera Trust shall terminate at the end of the twentieth full fiscal year following acquisition of the Baca ranch under section 104(a)." The Valles Caldera Preservation Act as passed in 2000 also called for the Trust to turn the lands over to the U.S. Forest Service in the event the Trust failed to meet the goal of financial self-sustainability.

Question 1. We are now slightly over half-way into the 20 year experiment, in your estimation is it pre-mature to pull the plug on the experiment?

Answer. The Valles Caldera Preservation Act of 2000 established the Valles Caldera Trust and gave it 20 years to meet the many and varied management mandates of the law. Yet, under S. 3452, that mandate is being terminated at the half way point. We and many others are asking—why? If the pending bill were a reaction to mismanagement or resource diminishment, such precipitous an action might be justified. However, the opposite is the case. The land comprising the Valles Caldera National Preserve is currently being managed better than any time in the last century. The Trust is addressing short and long term resource management needs, and providing opportunities for public enjoyment of the scenic and recreational values of this incredible area.

Proponents of the bill give little credit to the Trust for this incredible accomplishment by its professional staff and members of the Board of Trustees appointed by

¹ Federal Land Assistance Management Enhancement Act P.L. 111-88

the President. It seems to be forgotten that the 2000 legislation was expressly intended as an experiment in Federal land management. There was a consensus at the time that restoration of the land within the context of a working ranch was a worthy endeavor. We all knew it would be hard and would take time, but no one at the time recognized the difficulties of starting up an entirely new government organization, or of dealing with the costs and extent of infrastructure needs. However, after eight years of Trust management, the execution of multiple plans and programs are underway through coordination and collaboration with the Forest Service.

We recognize that the intent of the Act has not been fully met at this midpoint. No one expected that it would be. However, to stop the experiment at this moment discontinues many of the successful practices and activities of the Trust. It may also require the receiving agency to start anew with environmental planning at a point when these are well under way and nearing completion under Trust management.

Since introduction of the bill, we have heard thousands of people, both in New Mexico and across the Nation, speaking as individuals and organizations, who believe it is premature to “pull the plug” on the fine work of the Valles Caldera Trust. The letters and commentary represent a broad spectrum of professional land managers, hunters, anglers, hikers, our recreational visitors, educators, students, Native Americans and their pueblos, livestock producers, and environmental activists. We believe the experiment envisioned by the 2000 Act is working. If Congress were to address the specific needs the Trust has already identified, it would better promote the efficacy of the experiment. To do otherwise is simply an unjustified rush to judgment.

Question 2. The law also called for the Trust to be turned over to the Santa Fe National Forest if the Trust could not become economically self-sufficient—which agency—the Park Service or the Forest Service would be the best managers of the Preserve?

Answer. The 106th Congress designated the Valles Caldera National Preserve as a component of the National Forest System, subject to a special management regime. This recognized the vital role and responsibilities of the Forest Service in the preservation of this land. It was and is the Forest Service that successfully negotiated the purchase of the land, and did the original resource assessments necessary to garner public and Congressional support for its acquisition. It is the Forest Service that staved off geothermal development and ultimately acquired the outstanding mineral rights in the land. And it has been the Forest Service that has provided much of the technical expertise in forest management, law enforcement, and organizational development that has brought us to the point where we are today.

The Preserve is surrounded on approximately 80% of its entire boundary by hundreds of thousands of acres under Santa Fe National Forest management. This surrounding forest land has been scientifically and prescriptively managed for decades. The management issues facing the Preserve are those for which the Forest Service is uniquely able and qualified to meet. It has the scientific expertise, long standing management experience, manpower, and equipment required for managing the forest landscape. For example, the Preserve contains up to 60,000 acres of thin-diameter and closely crowded timber as forest re-growth resulting from decades of clear-cut logging and essentially no scientifically applied management. This is considered by most forest management experts as the number one priority and challenge for the near future, a job that should take at least 10 years. Failure in this endeavor will severely limit public access and use in the future because of resultant major, possibly catastrophic wildfires.

Many proponents of a park contend that visitor use, access, and interpretation of the resources and the landscape must be the current and predominant uses of the Preserve. While this public use is a vital component of the overall management of the area, we believe that protecting a healthy forest and ecosystem is the greatest and most immediate management challenge. To fail in this poses the number one threat to public recreational and enjoyment.

Unfortunately, we believe the current rush to enact the pending legislation glosses over these vital issues. The Forest Service has not been given the opportunity to present its case. Even the Park Service study prepared last year specifically avoided addressing the question of the best management regime. Given the Forest Service's management history to date, its expertise at managing national recreation areas and national monuments, and its control of the huge expanse of land surrounding the Preserve, the choice of the Forest Service as a permanent agency manager should be given equal billing to the Park Service. We have previously suggested that if Trust management is to be terminated, then a two year study of the Preserve's management needs should be prepared, and it should identify the various ways the Park Service and Forest Service would meet those needs.

RESPONSES OF HON. JOSHUA MADALENA TO QUESTIONS FROM SENATOR MURKOWSKI

The people of your Pueblo have dealt with the Baca Ranch, the Santa Fe National Forest and to some extent the Bandelier National Park over the years and before Anglo ownership and management of the Ranch your people lived and ran cattle on the lands.

Question 1. In your mind, who would be the best steward of the Valles Caldera; the Park Service, the State, the Forest Service or would you prefer to see the land turned over to the Pueblo's to jointly manage?

Answer. Jemez Pueblo believes that Jemez Pueblo is the best steward and manager for the Valles Caldera. The Baca Ranch lies within the aboriginal Indian title area (traditional use area) of Jemez Pueblo. The Baca Ranch, also known as the Baca Location, was an original grant from the United States to the heirs of Luis Maria Cabeza de Baca in 1858 to resolve an overlapping Spanish grant conflict in the vicinity of Las Vegas, New Mexico. Jemez Pueblo exclusively used and occupied these lands since time immemorial and established aboriginal Indian title prior to the Baca Grant. The heirs of Luis Maria Cabeza de Baca received the grant subject to continuing Jemez Pueblo Indian title. *Buttz v. Northern Pacific Railroad*, 119 U.S. 55 (1886) (conveyance of fee from federal government subject to unextinguished Indian right of occupancy), *United States v. Santa Fe Pacific RR Co.*, 314 U.S. 339 (1941) and *County of Oneida v. Oneida Indian Nation*, 470 U.S. 226, 235 (1985). Indian title is a fundamental doctrine of Anglo-American property law.

In our testimony before the Committee on S.3452, we stated our exclusive Indian title to the Valles Caldera and requested that the federal government return control of the Caldera to the Pueblo. This time of transition for the Valles Caldera National Preserve is an ideal opportunity to transfer the Valles Caldera and its management burden to Jemez Pueblo, rather than increase the federal management burden and expense of maintaining the Preserve by transferring it to the National Park Service. As compared to the Pueblo itself, we do not believe that either the Forest Service, the National Park Service or the state of New Mexico are the most appropriate or the most effective managers of the Valles Caldera. We are not proposing multi-pueblo joint management of the Valles Caldera because we hold exclusive Indian title. We are in the process of contracting and preparing an economic feasibility and management study detailing how Jemez Pueblo would manage and operate the Valles Caldera.

While other Pueblos have some spiritual interests in the Caldera, which Jemez Pueblo is committed to respect, use by other Pueblos has always been permissive and consistent with Jemez Pueblo's Indian title. See, *Alabama-Coushatta Tribe of Texas v. United States*, 2000 U.S. Claims Lexis 287 at 39. No other Pueblo can demonstrate continuing Indian title to the Caldera.

Santa Clara Pueblo received approximately 10,000 acres of the Baca Location at the time the United States purchased the Caldera from the Dunnigan family in 2000. San Ildefonso Pueblo waived all of its Indian title land rights wherever located in the Pueblo de San Ildefonso Claims Settlement Act, P.L. 109—286—Sept. 27, 2006. If Jemez Pueblo's exclusive Indian title is respected, joint Pueblo management involving several Pueblos is not appropriate. Jemez Pueblo is prepared to control, manage and protect the Valles Caldera pursuant to its continuing Indian title and its ancient tradition of stewardship and protection of the resources and natural environment of its ancestral lands.

As noted in our June 30 hearing testimony, we support S.3452 as a means of resolving immediate funding problems for the Valles Caldera National Preserve, conditioned, however, upon the inclusion of language preserving all valid existing private rights in the Valles Caldera, including specifically our own aboriginal Indian title.

Question 2. The bill calls for continued hunting and grazing on the Preserve but would allow the Park Service to shut down either or both if they so chose. Do you believe the Park Service will continue both grazing and hunting on the Preserve into the future?

Answer. We cannot predict what policies the National Park Service may adopt governing grazing, hunting and fishing in the Valles Caldera under Park Service control. We are concerned that subsection 3(e); governing grazing, is more restrictive than current Valles Caldera National Preserve policies in that it limits grazing to specific areas where grazing was allowed last year only. Presumably, not all areas where grazing may be viable were actually grazed last year. Section 3(f) gives the Secretary wide discretion in the management and permitting of hunting and fishing in the Preserve, although this is essentially unchanged from statutory authority under the Valles Caldera Preservation Act of 2000. Since the management mandates of the Valles Caldera Preservation Act are significantly different from the

management policies of most national parks, we are concerned that National Park Service management of the Valles Caldera could be more restrictive than current management as to both Jemez Pueblo and the general public.

If Jemez Pueblo regained control of the Valles Caldera, we would provide a program intended to maximize public access for hunting and fishing, consistent with preservation of sustainable populations of fish and wildlife.

RESPONSES OF HON. PERRY MARTINEZ TO QUESTIONS FROM SENATOR BINGAMAN

At the request of Chairman Jeff Bingaman, and on behalf of the Pueblo de San Ildefonso, this email responds to the list of questions relating to S. 3452, as follows:

Question 1. In your mind, who would be the best steward of the Valles Caldera; the Park Service, the State, the Forest Service or would you prefer to see the land turned over to the Pueblos to jointly manage?

Answer. The Pueblo de San Ildefonso prefers that the Valles Caldera be jointly managed by the Pueblos closest to the Valles Caldera. These include the Pueblo de San Ildefonso, Pueblo of Santa Clara and Jemez. The Pueblo de San Ildefonso also supports joint management of the Valles Caldera among the Park Service and the Pueblos closest to the Valles Caldera. If such joint management is not feasible, the Pueblo de San Ildefonso would support management of the Valles Caldera by the Park Service, provided that the Park Services provides meaningful consultation to the surrounding Pueblos.

The key to any management is adequate resources, and as noted in my July 1, 2010 Statement on S. 3452, the Pueblo de San Ildefonso continues to have concerns that adequate funds be appropriated for staff and support services so that the Valles Caldera can continue to be available to our Pueblo members and the public, while protecting the natural environment.

Question 2. Do you believe the Park Service will continue both grazing and hunting on the Preserve into the future?

Answer. While the Pueblo de San Ildefonso would like to see the Preserve stay as pristine as possible, the Pueblo would support access to the Valles Caldera in a way that minimizes injury to the lands. For example, if the Preserve is opened up to hunting, the Pueblo de San Ildefonso would prefer that hunting be limited to any Pueblo member. The Pueblo de San Ildefonso expects meaningful consultation by the Park Service before a decision is made to permit public hunting on the lands.

Concerning grazing, the Pueblo de San Ildefonso has witnessed over a century of over-grazing on this land. Any grazing on this land should be consistent with the concepts of sustainable grazing so that the land is able to grow and restore itself even with increased human and animal access. The Pueblo de San Ildefonso expects that a decision to open up the lands to grazing not be made, unless the Park Service first consults with the appropriate Pueblos.

Thank-you for the opportunity to respond to these questions.

APPENDIX II

Additional Material Submitted for the Record

VALLES CALDERA TRUST,
BOARD OF TRUSTEES,
Jemez Springs, NM, July 6, 2010.

Hon. JEFF BINGAMAN,
*Chairman, Energy and Natural Resources Committee, 304 Dirksen Senate Building,
Washington, DC.*

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

Staff of the Valles Caldera Trust

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

(A) HIRING.—

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

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

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

(D) TERMINATION FOR CAUSE. [Unchanged]

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

Forest Restoration

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

The Trust is currently undertaking the preparation of an environmental impact statement to analyze a proposed Landscape Restoration and Management Plan for the forests, including mechanical treatments, prescribed burning, management of lightning caused wildfires, as well as erosion control activities including road man-

agement and stream restoration. This process must go forward and we strongly urge that the bill contain a forest restoration provision which will make this a management priority for the land managing agency.

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

() FOREST AND LAND RESTORATION.

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

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

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

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

(C) Closing and rehabilitating roads;

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

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

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

Wildlife Management

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

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

Cultural Resources

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

Volcanic Domes and Other Peaks

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

Range Management

The grasslands on the Preserve offer a number of management opportunities. A major impetus to enactment of the original Valles Caldera Preservation Act was the retention of some vestiges of traditional ranching as practiced in New Mexico. That ranching tradition still offers opportunities for the visitor interpretation, and modest income production. However, as written, section 3(e) of S. 3452 unduly limits graz-

ing to those areas of the season preceding enactment. This standard ignores best range management practices. Currently, grazing on the Preserve has no negative impact on available forage. We recommend that grazing be permitted where it does not impair the preservation and public enjoyment of the Preserve, and not exceeding levels where forage consumption exceeds forage production. We also recommend that grazing fees continue to be based on commercial rates and that the land manager be allowed to retain grazing receipts on site. Therefore, we recommend rewording section 3(e) as follows:

(e) Grazing.

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

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

Ecosystem Coordination

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

Summary and Conclusions

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

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

Thank you for your consideration.

Sincerely,

STEPHEN E. HENRY,
Chairman.

STATEMENT OF E. P. HARVEY, JR., B & H HEREFORDS, MESILLA, NM

Thank you for the opportunity to comment on the above mentioned legislation. I, as a livestock producer and concern citizen, respectfully urge the Committee on Energy & Natural Resources to suspend action on this legislation and allow the Valles Caldera Trust to continue to be the sole operating agent until the expiration of the original contract.

The Valles Caldera-Baca Ranch has a long and storied history in the journal of territorial New Mexico. Livestock grazing, wildlife management and timber harvesting have been an important aspect in the ranches history and are currently being utilized as resource management tools. One of the original goals of the Valles Caldera Preserve is to continue to be managed as a working ranch that would protect the land and resources values. It is unclear if under new management operations if livestock grazing and a working ranch management philosophy will still be considered.

The Valles Caldera National Preserve Act raises great concern in that it does not assure that there will be a comparable management plan that promotes livestock grazing. The Preserve is designed to protect and preserve the fish, wildlife, watershed, natural, scientific, scenic, geological, historical, cultural, archeological and recreational values of the areas.

Recently, the Valles Caldera and New Mexico State University Cooperative Extension Service provided a unique educational program, Bull Genetics Improvement Program, which studied the effects of high altitude factors on domestic cattle production when various management techniques were utilized. This education program set precedence in the cattle industry across the country and has lead up to several follow-up studies in other states. The Valles Caldera has also participated in a rotational grazing program with ranchers from surrounding communities that provides forage needs for ranchers outside the preserves boundaries and allows for forage plots to replenish themselves in non-grazing seasons. Section 3(e) of S. 3452 limits grazing to those seasons preceding enactment which is contrary to best range management practices. Rather best management practices should include forage grazing consumption does not exceed forage production in those areas throughout the preserve insofar as not to interfere with the preservation and enjoyment of the Preserve. This will encompass both the educational and scientific component mandated by the Valles Caldera National Preservation Act.

Specifically, under section 3. Valles Caldera National Preserve Paragraph (e) Grazing-The Secretary may allow the grazing of livestock within the preserve to continue, consistent with this act—

(1) In areas of the preserve in which grazing was permitted during the grazing season preceding the date of enactment of this Act; and

(2) To the extent the use furthers scientific research or interpretation of the ranching history of the preserve.

The Valles Caldera Preservation Act should mandate grazing within the preserve for several reasons.

- Management as a working ranch has preserved and enhanced this property to the point that it was coveted as a national preserve. Why would management that has provided a healthy ecosystem and abundant wildlife change now? What would be the effects of such a change? How is the potential for catastrophic fire going to be managed?
- Established cultural identity with the Baca Ranch and its livestock history
- The Valles Caldera mission was to be run as a working ranch
- Valles Caldera and New Mexico State University have joined together to provided much needed research and educational programs that take place on the preserve due to its ecology and altitude
- The Valles Caldera provides surrounding ranches the opportunity to rest pastureland outside the preserves boundaries by utilizing a rotational grazing program
- The livestock on the Valles Caldera are managed as not to be intrusive on sensitive stream waters and are grazed away from sensitive habitats

The Baca Ranch was commended over and over by both ranchers and environmentalist of the stewardship of the land and that land was managed as a working ranch with adjustable grazing techniques. Wildlife alone cannot maintain healthy grassland the size of the Valles Caldera without the assistance livestock and the difference in grazing methods. It is vital that livestock grazing continue to be incorporated into any future management plans for educational and scientific research as well as to carry on cultural characteristics that livestock has on the past history of New Mexico from the 16th century to our current generations and those to come. The Valles Calderas Trust has managed its livestock herd, less than 600 head, conservatively with the ecosystem in mind and not with a financial agenda behind it.

Although financial independency has not been obtained, most of that delay has been a direct result of numerous other federal laws that have provided obstacles that had to be cleared. There have been many positive gains in the recent past as those federal obstacles were hurdled. As with many private enterprises financial stability is not always realized quickly. We believe it is too soon to forego the Valles Caldera Trust operations and management considering the amount of time that is still available to fulfill the contract. The urgency of promoting the Valles Caldera Preserve Management Act is rushed and does not adequately address the land use management issues that are unique to the area.

I have personally ridden horseback across the Valles Caldera and much of the Baca Ranch, as well as surrounding lands on numerous occasions. My familiarity with the area and with the way the cattle and wildlife have been managed prompts me to testify on this extremely important issue. There is no reason to change the way this unique area is managed, and National Park designation/management will only serve to destroy and undo the custom, culture, and traditional use of this land.

In conclusion, it is important to realize the educational, scientific and cultural significance that livestock have on the Valles Caldera-Baca Ranch and the importance

to continue to utilize livestock grazing as a resource management tool. Recent strides by the Valles Caldera Trust have shown promise in the adaptive management policies that have been implemented. It seems that there was not much confidence in the success of the program from the beginning and now just as some progress is shown the preserve will once again be in transition. It has been seen that continued success is possible when there is consistent management policies in place; the private landowners did it for centuries. It seems that many of the stakeholders' issues could be addressed more appropriately if when the agreement is up that the Valles Caldera be transferred and or incorporated into the Santa Fe National Forest and their nearly million acre forest.

STATEMENT OF HILARIO R. ARMIJO, PRESIDENT, JEMEZ PUEBLO LIVESTOCK
ASSOCIATION, JEMEZ PUEBLO, NM

Thank you for the opportunity to comment on the above mentioned legislation. I, as a livestock producer and concern citizen, respectfully urge the Committee on Energy & Natural Resources to suspend action on this legislation and allow the Valles Caldera Trust to continue to be the sole operating agent until the expiration of the original contract.

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The Valles Caldera National Preserve Act raises great concern in that it does not assure that there will be a comparable management plan that promotes livestock grazing. The Preserve is designed to protect and preserve the fish, wildlife, watershed, natural, scientific, scenic, geological, historical, cultural, archeological and recreational values of the areas.

Recently, the Valles Caldera and New Mexico State University Cooperative Extension Service provided a unique educational program, Bull Genetics Improvement Program, which studied the effects of high altitude factors on domestic cattle production when various management techniques were utilized. This education program set precedence in the cattle industry across the country and has lead up to several follow-up studies in other states. The Valles Caldera has also participated in a rotational grazing program with ranchers from surrounding communities that provides forage needs for ranchers outside the preserves boundaries and allows for forage plots to replenish themselves in non-grazing seasons. Section 3(e) of S. 3452 limits grazing to those seasons preceding enactment which is contrary to best range management practices. Rather best management practices should include forage grazing consumption does not exceed forage production in those areas throughout the preserve insofar as not to interfere with the preservation and enjoyment of the Preserve. This will encompass both the educational and scientific component mandated by the Valles Caldera National Preservation Act.

Specifically, under section 3. Valles Caldera National Preserve Paragraph (e) Grazing-The Secretary may allow the grazing of livestock within the preserve to continue, consistent with this act—

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- (2) To the extent the use furthers scientific research or interpretation of the ranching history of the preserve.

The Valles Caldera Preservation Act should mandate grazing within the preserve for several reasons.

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Although financial independency has not been obtained, most of that delay has been a direct result of numerous other federal laws that have provided obstacles that had to be cleared. There have been many positive gains in the recent past as those federal obstacles were hurdled. As with many private enterprises financial stability is not always realized quickly. We believe it is too soon to forego the Valles Caldera Trust operations and management considering the amount of time that is still available to fulfill the contract. The urgency of promoting the Valles Caldera Preserve Management Act is rushed and does not adequately address the land use management issues that are unique to the area.

In conclusion, it is important to realize the educational, scientific and cultural significance that livestock have on the Valles Caldera-Baca Ranch and the importance to continue to utilize livestock grazing as a resource management tool. Recent strides by the Valles Caldera Trust have shown promise in the adaptive management policies that have been implemented. It seems that there was not much confidence in the success of the program from the beginning and now just as some progress is shown the preserve will once again be in transition. It has been seen that continued success is possible when there is consistent management policies in place; the private landowners did it for centuries. It seems that many of the stakeholders' issues could be addressed more appropriately if when the agreement is up that the Valles Caldera be transferred and or incorporated into the Santa Fe National Forest and their nearly million acre forest.

LOS AMIGOS DE VALLES CALDERA,
Santa Fe, NM, June 27, 2010.

Hon. JEFF BINGAMAN,
Chairman, Senate Energy and Natural Resources Committee, Energy and Natural Resources Committee Office, 304 Dirksen Senate Building, Washington, DC.

We are Los Amigos de Valles Caldera, a 501(c)(3) non-profit organization incorporated in New Mexico on September 30, 2006 by former members of the Board of Trustees of the Valles Caldera National Preserve and others. The Valles Caldera National Preserve, formerly the privately owned "Baca Ranch," is an 89,000-acre property located in the Jemez Mountains in northern New Mexico purchased by the federal government in 2000 under the Valles Caldera Preservation Act and placed under the management of the Valles Caldera Trust.

Los Amigos' mission is to support the Valles Caldera National Preserve for present and future generations through outreach, education, restoration, and collaboration.

Los Amigos currently has over 200 members. Los Amigos is supported by government grants, grants from private foundations, and individual contributions. These individual contributions have ranged from \$25 to \$1,000 and have come from a wide variety of people across the country.

The grants include three received to fund restoration work on the Preserve. Los Amigos has been working collaboratively with the Trust (under a five-year Memorandum of Understanding) and others since 2006 on a variety of restoration projects designed to:

- Restore San Antonio Creek so that it may be de-listed from NMED's Clean Water Act Sections 305(b)/303(d) Integrated Report as not supporting its high-quality coldwater fishery designated use. (Total Maximum Daily Loads [TMDLs] were created for San Antonio Creek for temperature and turbidity.)

- Restore slope wetlands and floodplain wet meadow habitat that has been damaged by roads, grazing, and logging.
- Restore habitat for the rare bog birch which has nearly been eaten to extinction by the elk.
- Ensure that natural stream channel evolution along the San Antonio and its tributaries continues in a desirable direction.

In addition, we have made other proposals to work on Jaramillo Creek (also on the 303d list) and to do further work on slope wetlands on six tributaries to lower San Antonio Creek.

Los Amigos was created to support the Preserve, and we plan to continue with that mission, no matter who is managing the Preserve. However, we have a number of concerns about the proposed legislation to transfer the Preserve from the Trust to the Park Service:

- The authorization language does not ensure adequate funding for the Preserve.
- There is no requirement that cultural resources be included in the Science and Education Program.
- There is no requirement that will ensure public access during the development of the Park Service's Management Plan.
- Most importantly, there is no acknowledgment that restoration of the resource is needed and no requirement that it be a priority for the new manager.

OUR CONCERNS

The Budget

President Obama's 2011 budget request for the National Park Service is approximately \$2.7 billion—a decrease of \$21.6 million over the current fiscal year 2010 budget. The Park Service already took significant budget cuts during the Bush Administration, which according to Consumer Affairs.com caused “many of the nation's 390 parks, monuments, and recreation areas [to charge] visitors more while providing fewer services. . . . In the meantime, the number of national park visitors—273 million people [2005]—continues to rise. Their needs are not being met, according to an April survey of a dozen parks by the Government Accountability Office (GAO). It found all 12 parks were reducing visitor center hours, educational programs, and even law enforcement.” That GAO-06-431, March 2006 report, *Major Operations Funding Trends and How Selected Park Units Responded to Those Trends for Fiscal Years 2001 through 2005*, stated: “Although funds allocated for daily operations increased from 2001 through 2005 at all 12 park units we visited, 8 of the 12 experienced a decline, and 4 experienced an increase, in daily operations allocations when adjusted for inflation. Park managers at all 12 reported their allocations were not sufficient to address increases in operating costs, such as salary and benefit increases and rising utility costs; and new Park Service requirements directed at reducing its deferred maintenance needs, implementing its asset management strategy, and maintaining law enforcement levels. Officials also stated that these factors reduced their management flexibility. As a result, park unit managers reported that, to varying degrees, they made trade-offs among the operational activities which, in some cases, resulted in reducing services in areas such as . . . resource protection. . . .” (Emphasis added.)

In recent years, there have been a number of articles about dangers at the parks, including a cover story in *U.S. News and World Report* and a story in *Travel and Leisure* (*Our National Parks are in Danger*, August 2004, citing “Annual budget shortfalls that have left the system with insufficient funds to handle chronic maintenance headaches [shoddy roads, buildings in disrepair, inadequate water and sewer systems]...”). Adding to the Park Service's list of units during a period of significant budget cuts suggests that neither the maintenance backlog nor the restoration needs of the Preserve will be attended to. Therefore, we request that a specific authorization for funding for the Preserve, at a level consistent with its current funding, be added to SB3452. (See Attachment A.)

Public Access

The general tenor of public discourse on the subject of management of the Preserve has suggested that transfer to the Park Service is needed to allow unfettered access for the public. (No concern has been raised by the proponents of this view about restoration of the resource they wish to exploit.) Few of these people have reviewed Park Service regulations or even SB3452 to discover that the Park Service is required to first study the resource and then develop a management plan before opening the unit to the public. Under SB3452, the Park Service is required to develop that management plan in three years. But it is given discretion as to whether

to continue Trust management in the interim. If they decided not to continue Trust policies, that could mean that the Preserve would be closed to all access while the management plan is being written. Therefore, we suggest that the language of SB3452 be amended to require the Park Service to continue Trust management policies while it develops its own management plan. (See Attachment A.) (Of course, this will not affect what happens after the management plan is in place. Generally, the plan will call for infrastructure, such as a visitors' center, and the Park Service usually doesn't open the unit to public access until after the infrastructure has been built.)

Preservation and Restoration of Cultural Resources

The Preserve has a complex and deep history of changing human land use on this extraordinary landscape. Although the Trust has completed surveys of only 10% of the 89,000 acres, we now know a great deal from the remnants left behind from thousands of years of human use. Trust field investigations and analyses have:

- Confirmed the use of this landscape by prehistoric peoples as early as the Late Paleoindian period (beginning at least 8,000 years ago) and as late as the period of contact between Native North Americans and European immigrants after A.D. 1540.
- Demonstrated that trade or transport of obsidian artifacts originating from caldera volcanic deposits occurred throughout all periods of prehistory and extended across North America.
- Discovered ceramic artifacts (i.e., undecorated and decorated pot sherds) in rock shelters and open-air locations from the earliest periods of pottery-making in the Southwest (i.e., as early as 500 A.D.) through late prehistory and early historic Puebloan eras, even from the Spanish entrada.
- Investigated the preservation characteristics of buried artifact-bearing soils to begin predicting the locations of hidden ancient occupations across the Preserve.
- Established the presence of agricultural terraces on Banco Bonito that demonstrate the growing of crops like maize or beans at some of the highest elevations yet known in North America.

Cultural resources include all of the significant archaeological and historic sites, buildings, and artifacts that illuminate how peoples used the caldera throughout the past. Los Amigos has "adopted" the Bond Cabin in the Historic Headquarters area, in an effort to fund its restoration. SB3452 says that the Secretary may establish a science and education center outside the boundaries of the Preserve to promote natural and cultural resources, but does not include cultural resources in the description of the science and education programs for the Preserve that the Secretary is required to carry out. Therefore we suggest that, under "Science and Education Program," cultural resources be specifically included. (See Attachment A.)

Access for Religious and Cultural Uses

The Secretary is required to ensure protection of traditional cultural and religious sites and access to those sites by the pueblos. But the Secretary is not required to temporarily close sites to the general public to protect traditional cultural and customary uses of the areas. Therefore, we suggest that the language of SB3452 be amended to require the Secretary to temporarily close to general public use specific areas of the Preserve to protect traditional cultural and customary uses by the pueblos. (See Attachment A.)

Restoration Needed in Addition to Preservation

Americans are now realizing they have made some serious misjudgments in their nation's interactions with the natural world. America's treasured national parks, while remaining immensely popular, are not immune to this damaging phenomenon, and it is clear that preservation alone will no longer be enough. Repair and restoration are also necessary. William Lowry, an eminent analyst of U.S. natural resource policy, looked at this in his recent book, *Repairing Paradise: The Restoration Of Nature in America's National Parks*, and concluded that "The result of the agency's dual mandate, political demands, and the daunting threats to the parks often were policies that did not ensure preservation of the natural environment and frequently caused substantial damage instead." The National Park Service Organic Act mandates that the National Park Service manage the park system's natural resources and settings "unimpaired" for future generations. Why is there a need for restoration? In an interview with Kurt Repanshek for National Parks Traveler, Mr. Lowry, a professor of political science at Washington University in St. Louis, explained: "They have some of the tools, but as you know, the Park Service is a political agency, and they're very affected by other political actors and other political forces. And so, whatever tools they have are somewhat limited in how much they can use them."

We are therefore concerned that politics will also affect restoration on the Preserve, as it has affected the continuation of the Valles Caldera Trust. Restoration of the Preserve's natural functioning is essential if the resource is to not irreversibly degrade (please see *The Need For Restoration on the Preserve*, below). Preserve Scientist Bob Parmenter had secured \$40 million from the Department of Agriculture for restoration activities on the Preserve over the next 10 years, largely for work to reduce the imminent threat of a stand-replacement crown fire in the dog-hair thickets left over from historic logging activities. However, a transfer of the Preserve to the Department of the Interior means that money disappears. The only certain funding for restoration activities then would be the grant monies that Los Amigos has secured—about \$600,000. Without a mandate to continue with collaborative restoration efforts, the Preserve will suffer from this transfer. Therefore, at the very least, we suggest that the language of SB3452 be amended to require the Park Service to improve the Preserve as well as to protect and preserve it. Further, we suggest that language be added that requires the Secretary to continue ongoing collaborative restoration projects and to develop future projects in consultation with the New Mexico Environment Department and interested environmental organizations. (See Attachment A.)

Collaboration

All of our projects are collaborative and involve agencies, environmental organizations, and citizens. Volunteer work is a critical part of the projects as there is limited money available for watershed and wetland restoration. The GAO in February 2008 published its report, *Opportunities Exist to Enhance Federal Participation in Collaborative Efforts to Reduce Conflicts and Improve Natural Resource Conditions*. This report suggests that collaboration offers a superior way to manage public resources. But the GAO acknowledges that most federal agencies, including the land management agencies, do not use this method very often. However, with no money allocated for restoration on the Preserve, collaboration may be the only way current degradation will be able to be addressed.

THE NEED FOR RESTORATION ON THE PRESERVE

The overwhelming beauty of the Valles Caldera, with its green valley bottom grasses, its seemingly unspoiled vistas, lush forests, meadow streams, and the sights and sounds of abundant wildlife, belies the problems on the land and has led many people to make the inaccurate assumption that the Preserve is “pristine.”

With minor exceptions, the headwaters of the streams that flow out from the Preserve are entirely contained within the Preserve's boundaries, making it a self-contained watershed unit. With no other land or land managers upstream from the Preserve, any changes in the quality of water leaving the Preserve or in the ecological condition of its aquatic wetland and riparian communities are wholly attributable to the interplay of human activities, ecological succession, geology, climate, and other natural processes occurring within the Preserve.

The water-collecting basin of the Preserve contains a number of unique aquatic and wetland features, ranging from warm, mineralized and extremely acidic geothermal waters to numerous springs, seeps, and boggy wetlands. These water-rich environments, combined with the Preserve's many creeks and streams, should provide a robust foundation for ecological diversity and productivity.

However, there are a number of problems related to the Preserve's history as a working landscape. Humans have utilized the region for at least 10,000 years, harvesting plants and wildlife for food and collecting high-grade obsidian for tools and weapons. As a private land holding, livestock grazing and logging operations dominated human land use in the 19th and 20th centuries, significantly impacting the watersheds and riparian ecosystems. Other past activities in the watershed include geothermal energy exploration.

Over 1,400 miles of roads were built on the Preserve in the 20th century to facilitate logging and about 60% of the forests were harvested. Grazing was the first significant extractive use—at times, over 100,000 sheep and 12,000 cattle grazed on the Preserve. Natural fires apparently ceased in the 1880s. Intensive livestock grazing and, subsequently, active fire suppression greatly reduced fire frequency and increased the divergence of forest structure, composition, and function from the natural range of variability. Subsistence hunting, which began in pre-historic times, increased in the late 19th and early 20th centuries and decimated wildlife populations. The Preserve is a collapsed magma chamber (caldera) approximately 15.5 miles across, and incorporates multiple resurgent lava domes that rose following the chamber's collapse around 1.25 million years ago. Elevation ranges from 7,930 feet at the outflow of the Jemez River's East Fork to 11,254 feet on Redondo Peak, the highest dome in the caldera. The Preserve forms a single watershed draining from

a breach in the caldera wall to the Jemez River's San Diego Canyon, southwest of the Preserve.

The extensive clearcutting of the Preserve by the New Mexico Land and Timber Company that occurred in the 1960s and 1970s, accelerated soil erosion and contributed to the turbidity loading of the streams. Today's forests are dense with second-growth stands of young pine, fir, and spruce, which pose a substantial influence on fire risk and watershed health.

Under current management, cattle numbers have been greatly reduced. Current grazing practices include diverting the cattle to water tanks away from the riparian areas, daily herd management, and rotating the cattle. However, past grazing management practices have degraded some areas of this watershed, leaving little vegetation to provide shade to the rivers and eroding streambanks. The famously large elk herd in the preserve, due to lack of natural predators, may be spending an inordinate amount of time along the watercourses like domestic livestock do. At present the rivers within this watershed have excessive bank erosion, not enough pools, and are too wide and shallow in places. Pools have been lost due to excessive sediment and channel widening. Poorly designed and placed low-standard roads, poor culvert placement, and livestock trailing have led to poor distribution of runoff onto the wet meadows.

Poorly maintained roads contribute to sedimentation and degrade fish habitat. Fish habitat degradation can result from poorly planned, designed, located, constructed, or maintained roads (Furniss et. al 1991). Even in good condition, roads introduce large quantities of sediment to streams (Grayson et al. 1993). The increased fine stream sediment concentrations that result from high road densities has been associated with decreased fry emergence, decreased juvenile densities, loss of winter carrying capacity, and increased predation of fishes. The introduction of fine sediment has also been related to the reproductive degradation in salmonids. Survival of incubating salmonids from embryos to emergent fry has been inversely related to the proportion of fine sediment in spawning gravels (USDA Forest Service 2000).

In addition, the past heavy logging required many logging roads, which are now contributing to the sediment problem. That logging has had other deleterious effects. The practice of "high-grading," or taking only the most saleable trees, has left many stands of small diameter trees or "dog-hair" thickets that are in danger of burning in a stand-replacement crown fire. Such a fire would also have a severely negative effect on the water quality of the streams that flow from the Preserve into the larger Jemez Watershed and provide water for the villages of Jemez Springs, Jemez Pueblo, La Cueva, Ponderosa, and San Ysidro.

CURRENT RESTORATION EFFORTS UNDERWAY

Alamo Canyon

The Trust, Los Amigos and others are partnering with the New Mexico Environment Department Surface Water Quality Bureau (SWQB) to restore bog and slope wetlands and floodplain wet meadow habitat on the Preserve. This project is using innovative restoration techniques being pioneered in New Mexico. This project will also contribute to the Draft Valles Caldera National Preserve Wetlands Action Plan and complete a wetlands action plan for San Antonio Creek on the Preserve.

Project outcomes for Alamo Canyon include restoring the habitat for the rare bog birch by protecting the existing population from elk grazing; constructing "rolling dips" along the road that runs next to the bog to reduce erosion and disperse water back onto the wet meadow areas; and fixing drainage at three of the four existing geothermal well pads to reduce erosion and divert water from a gully to re-create wetlands.

San Antonio Creek

An incision in the San Antonio stream channel system, caused by a combination of inappropriate livestock grazing, road drainage issues, and deforestation, has drastically reduced the extent of the historic wetland. The vast green acreage that was once wetland sod has been largely replaced by non-riparian vegetation, a subtle, yet significant change. Within the lowered base level, the stream is slowly building itself a new wetland floodplain in many places, but this process is periodically set back by meander cutoffs, which deepen the incision. Grazing by cattle and elk is an important issue for stream channel stability and subsequent loss of wetlands due to a synergy of removal of key vegetation, trampling of stream banks, compaction of soil, and drainage rills started by animal trails.

Los Amigos, the Trust, and others are partnering to restore riparian habitat on San Antonio Creek under a State River Ecosystem Restoration Initiative grant and

a Clean Water Act § 319 grant. We will intervene in key locations to ensure that natural stream channel evolution continues in a desirable direction. This work will include in-stream as well as floodplain restoration measures. There are several incipient meander cutoffs that are predicted to cause channel avulsions, headcuts, and loss of floodplain access in the near future. These will be prevented to keep the stream in proper functioning condition. Many eroding banks are contributing to a high sediment load. These banks will be stabilized. Floodplain wetlands adjacent to the creek in several places are being drained by headcut feeder channels. These small channels will be raised to restore sheet flow to significant areas. Solar gain, accompanied by an over-wide channel, is contributing to temperature problems in the lower reaches. Willows and other native riparian vegetation will be planted in appropriate places to stabilize and narrow the creek channel as well as to provide shade for the water surface.

Post vanes, post baffles, and post weirs may be used to increase meander length and restore pools. Heavy equipment will be used to realign several short channel segments to prevent undesirable meander cutoffs. Electric fencing will be installed where grazing occurs along San Antonio Creek to eliminate cattle disturbance in the project area.

Volunteers from Los Amigos, the Trust, and other organizations such as New Mexico Trout, Trout Unlimited, the Sierra Club, and local landowners will learn the demonstration restoration techniques and will assist in installation of structures to improve conditions along San Antonio Creek. Volunteers will also help with monitoring of the restoration.

An inventory of the San Antonio Creek sub-watershed from its headwaters to the Preserve boundary (approximately 16 river miles) was completed in 2007 with funds from the Alamo Bog wetlands grant from the EPA to NMED, under which Los Amigos was the primary sub-contractor. It assessed the creek's condition and the potential location of remediation structures for this project and is providing part of the basis for the San Antonio Creek Wetlands Action Plan. The watershed was flown with a digital camera and a sub-meter GPS. Ground reconnaissance was then done with similar equipment. The data, including 260 air photos and the flight track of the airplane, as well as hundreds of resource points on the ground (including 155 ground photopoints), were assembled into a GIS map document. Detailed analysis of these data by the survey team and Trust staff serves as the basis to produce priorities for restoration work.

The San Antonio Creek Watershed has an extensive road system, and many of these roads are degraded and in need of maintenance. Sections of the gas pipeline roads are particularly bad, since they tend to follow the straight pipeline with little regard for topography. In the past few years, the Trust has begun to repair the main roads through the Preserve and restore habitat for wet meadow areas along main roads. Most of the major stream crossings have been redone in recent years under the direction of Bill Zeedyk to maintain the proper channel elevations, dimensions, and floodplain access. New culvert arrays were installed to provide sufficient flood capacity and to distribute large flows across the floodplain. In many other places, rolling dips and other environmentally sensitive road drain applications have been installed to hydraulically isolate the roads from the natural drainages, allowing hillslope and swale runoff to continue along its natural historic route instead of being concentrated in road ditches and culverts. French drains were installed to encourage the dispersment of flow across meadows, preventing gully formation downstream of the culvert.

Project outcomes for San Antonio Creek will be to decrease temperatures and reduce turbidity by decreasing the width-to-depth ratios, correcting meander pattern problems, stabilizing the elevation of the bed and channel slope by fostering continued long-term natural channel evolution, improving the pool to riffle ratio, and increasing and improving conditions for riparian vegetation along the creek. This should also improve those portions of the creek which flow off the Preserve and into the larger Jemez watershed (and ultimately the Rio Grande), increasing water quality and improving seasonal flow modulation through alluvial storage and release.

CONCLUSION

Los Amigos is aware that we will not have an official relationship with the Park Service until completion of a Memorandum of Agreement. And we understand that there may be any number of other ways to address our concerns than the ways we have suggested herein. However, we hope that this Committee understands that we are very concerned that the Preserve not be negatively impacted by this proposed

transfer. We respectfully request that we be allowed to work with you or staff to improve this legislation so that will not happen.

Sincerely,

DOUG FRASER,
Chair.

ATTACHMENT A

SUGGESTED AMENDMENTS TO SB3452

“Sec. 3. Valles Caldera National Preserve

“(a) DESIGNATION AS UNIT OF THE NATIONAL PARK SYSTEM—
To protect, improve, and preserve. . .”

“Sec. 3. Valles Caldera National Preserve “

(b)(2)(C) Existing Management Plans. . .until the date on which the Secretary completes a management plan for the Preserve in accordance with paragraph (4), the Secretary shall administer the Preserve in accordance with any management activities or plans adopted by the Trust. . .”

“Sec. 3. Valles Caldera National Preserve “

(d)(1)(B) “(iv)provides for research on and preservation of cultural resources on the Preserve.”

“Sec. 3. Valles Caldera National Preserve “

(j) TEMPORARY CLOSURES—. . . the Secretary,. . . shall temporarily close to general public use 1 or more specific areas of the Preserve to protect traditional cultural and customary uses . . .”

“Sec. 3. Valles Caldera National Preserve “

(g) The Secretary shall continue ongoing collaborative restoration projects on the Preserve and establish soil, water, and cultural property restoration projects for the Preserve in consultation with the New Mexico Environment Department and interested environmental and wildlife groups.”

“Sec. 6 AUTHORIZATION OF APPROPRIATIONS

“There are authorized to be appropriated sums consistent with funding the Trust received for operation of the Preserve to carry out this Act.”

STATEMENT OF PERRY MARTINEZ, GOVERNOR, PUEBLO DE SAN ILDEFONSO

Chairman Bingaman and members of the Committee, I am Perry Martinez, Governor of the Pueblo de San Ildefonso. I am pleased to provide views on behalf of the Pueblo on S.3452, the Valles Caldera National Preserve Management Act. The Pueblo supports S.3452.

First, on behalf of the Pueblo de San Ildefonso, I want to thank Senator Bingaman for inviting me as Governor to appear before the Committee testify about this bill, on behalf of my Pueblo. While I am unable to attend the hearing on this Bill, please accept this Statement for the record.

The Pueblo de San Ildefonso aboriginal exclusive use area in what is now the State of New Mexico reaches to what is now the Valles Caldera. Our Pueblo ancestors have ties to the Valles Caldera area that go back many centuries. Sites within the Valles Caldera retain significance for our Pueblo people to this day.

After discussion with my Tribal Council, I express the support of our Pueblo for this bill which would have the National Park Service manage the Valles Caldera area. Our Pueblo people would like to see this land stay as pristine as possible. We think the National Park Service is the federal agency best suited to preserve the lands, wildlife, plants, and minerals within the Valles Caldera area. Our Pueblo has a working relationship with the Bandelier National Monument, located nearby.

One concern we have is that adequate funds be appropriated for staff and support services so that the Valles Caldera can continue to be available to our Pueblo members and the public, while protecting the natural environment. After a century of over grazing, the land has started to recover under the current federal management. We see S.3452 transferring responsibility for future management of the Valles Caldera to the National Park Service as strengthening the ability of the ecology within the Valles Caldera to grow and restore itself, while maintaining controlled human access.

On behalf of the Pueblo de San Ildefonso, I am pleased that S.3452 specifically calls for consultation on the management plan for the Valles Caldera with the Pueblo de San Ildefonso, along with the Pueblos of Santa Clara and Jemez. As the Pueb-

los closest to the Valles Caldera, this consultation with our Pueblos on management of the property is appreciated. We think this consultation requirement will strengthen operations of the Valles Caldera into the future. The consultations with the three Pueblos should not be a “one-time” activity, but should be part of on-going management activity. To assure that, we propose adding a new subsection 3(b)(4)(B)(iii) to read:

The management plan shall include provisions for on-going consultation with the Pueblos of San Ildefonso, Jemez and Santa Clara.

The Pueblo de San Ildefonso is also pleased that consultation with “Indian Tribes and Pueblos” is required concerning traditional cultural and religious sites (in section 3(i)(1) on page 9 of the bill). The opportunity for temporary closure, if requested by a Tribe or Pueblo is appreciated. While the traditional Tewa practitioners in our Pueblo may or may not make such a request, having federal authorization for temporary closure in that event is recognition of the national importance of continuing our traditional Pueblo ways.

The requirement in Section 3(k) that the National Park Service consult with Indian Tribes and Pueblos concerning the Caldera Rim Trail is also appreciated.

We note in subsection 3(k)(2) concerning the Caldera Rim Trail that a special section has been inserted concerning Santa Clara Pueblo, in order to protect the privacy of traditional practitioners and activities on the Santa Clara Indian Reservation. Subsection (3) prohibits motor vehicles on Preserve lands adjacent to the Santa Clara Indian Reservation. The Pueblo de San Ildefonso expects that federal consultation with our Pueblo, along with other interested tribes and the public, concerning the Caldera Rim Trail, will result in appropriate protections for Pueblo traditional practitioners from all Pueblos which use and revere the lands and wildlife with in the Valles Caldera.

It is unclear to us whether or how public access to the Valles Caldera will change if the Bill becomes law. We have observed in recent years that the Valles Caldera lands have become more accessible to the public than they were either in private ownership, or in the early years of the Trust which currently manages that property. We have a concern that public access be managed by the National Park Service in a way that minimizes injury to the Valles Caldera environment, while allowing our Pueblo people and members of the public improved access to this natural wonder.

In conclusion, the Pueblo de San Ildefonso supports S.3452. We further strongly request that funding be authorized and appropriated to the National Park Service in an increased amount so that adequate staff can be provided going forward in the Valles Caldera, and for the Bandelier National Monument which will have enhanced management responsibilities as a result of this bill. We also ask that Congress make clear that the consultation requirements in the bill for the Pueblo de San Ildefonso and other Pueblos be on-going, by including language similar to that proposed in this Statement.

Thank you for the invitation to present views on behalf of the Pueblo de San Ildefonso on this bill. This concludes my written statement.

NATIONAL PARKS CONSERVATION ASSOCIATION,
SOUTHWEST REGIONAL OFFICE,
Salt Lake City, UT, June 29, 2010.

Hon. JEFF BINGAMAN,
U.S. Senate, 703 Hart, Washington DC.

DEAR SENATOR BINGAMAN: Thank you for introducing legislation to ensure the Valles Caldera National Preserve is preserved for future generations as a unit of the National Park System-it is a national treasure. For decades, this extraordinary landscape has been regarded as a place worthy of protection and management in such a way as to promote opportunities for recreation, interpretation for visitors of its geology and scientific inquiry. The National Parks Conservation Association, America's leading voice for our national parks with a membership of over 325,000, fully supports S.3452 that would transfer management responsibility for this publicall owned landscape to the National Park Service.

We believe that this remarkable and unique landscape, its unique geology and profound connection to the culture at nearby Bandelier National Monument is ideally suited for inclusion and management by the National Park Service. Your proposed legislation reflects the appropriate public purpose of protecting this rich and varied resource while providing and managing recreational opportunities and insightful interpretive services for visitors. It further identifies the responsibility to

develop a management plan that recognizes the rights of indigenous Pueblos and honors hunting, fishing and grazing practices. Furthermore, S. 3452 reinforces and sustains the continuation of a strong and vibrant culture of science and research at the Caldera. Ensuring resource protection with public enjoyment, recreation, interpretation and traditional uses is what the National Park Service does well and efficiently. This is absolutely the core function and mission of the National Park Service and we regard this change in management responsibility reflected in this bill, one of our most important national priorities.

Since 2000, Valles Caldera has been publically owned but managed in an experimental fashion by a congressionally appointed Trust. Based upon a Government Accounting Office report completed in October 2009 that evaluated this experiment ten years on, it is apparent that core goals from this Trust management model have not been achieved. There continues to be a high level of uncertainty about achieving any level of self sufficiency, visitation and recreational opportunities have been meager, at best, and development of infrastructure to accommodate visitors is scant. On many levels, it is apparent that the bold experiment has not been successful.

In contrast, we recognize the recently completed suitability study that Senator Bingaman requested from the Department of the Interior and completed in December, 2009. This study underscores that Valles Caldera National Preserve is an appropriate and compatible national park unit and that it would offer a special and comprehensive complement to Bandelier National Monument. It would further burnish these iconic and culturally significant landscapes with the special luster of national park designation.

NPCA fully and enthusiastically endorses this proposed legislation. By any measure or standard, national park designation and management responsibility is overdue.

Sincerely,

DAVID NIMKIN,
Director.

NEW MEXICO TROUT,
Albuquerque, NM, June 19, 2010.

Hon. JEFF BINGAMAN,
*Chairman, Energy and Natural Resources Committee, 304 Dirksen Senate building,
Washington, DC.*

DEAR SENATOR BINGAMAN, As the current president of New Mexico Trout, an avid New Mexico outdoorsman, and a lifelong resident of New Mexico, I am surprised to learn about the significant change proposed by S-3452 for the Valles Caldera. As the president of hundreds of New Mexico voices, we are concerned with the possibility of the National Park Service taking over the Management of the Valles Caldera Trust. New Mexico Trout DOES NOT favor this option.

The Valles Caldera Trust, a new form of government management, has had no baseline from which to measure growth. The Trust was given the responsibility to begin a new government agency and required to keep the doors open while they did so.

Over the past ten years, there have been some questionable practices of the Trust management. However, given the nature of the Trust as an "experiment in Public Land Management", we both know that any start up agency is going to have some bumps along the road to success.

New Mexico Trout is concerned with the potential change from Trust management to the National Park Service (NPS) and the language of S-3452. Since the provision of the bill does not have a stipulation for an appropriation from Congress which is already looking at a funding cut for the NPS, I strongly recommend that this bill be sent to Appropriations for a hearing to make sure the NPS has the funds to support this move.

The Valles Caldera Trust is fulfilling its role by providing access with educational workshops, seminars and van tours covering subjects from archaeology, botany, ecology, geology, history and wildlife. This is evidence enough that the Trust has allowed visitor participation while still developing and managing the Preserve as a public land provided by the Act which created the Preserve.

The Valles Caldera Trust has proven that it can protect the natural and cultural resources of the Preserve. The recommendation to add the Preserve to the NPS has no merit, and is not based on best management practices set by the NPS management policy. The NPS has an important role to protect, possess, add and manage when, according to its own criteria, the resource in question is not under the protection of other public or private agencies. Conspicuous by its absence in the NPS re-

connaissance study was the apparent strategic failure to address this all important 'fourth criteria' because the Valles Caldera National Preserve is already under the protection of a public agency.

The Valles Caldera Trust IS the public agency that provides the necessary management and protection. In a very short period of time it has become an outstanding example of sustainable government management of public lands. Turning the Preserve over to the NPS will not demonstrate nor has it been shown, that the NPS is a superior alternative.

Senator Bingaman, how can the NPS do a better job than the Valles Caldera Trust given the budget shortfalls facing the NPS today? The Valles Caldera Trust has been operational with a very limited budget given the operating cost, salaries, maintenance, law enforcement, utility costs, fire management, visitor and resource costs. The budget that was set for the Valles Caldera Trust was inadequate and yet the Trust is being asked to be FISCALLY responsible. Now the NPS is being considered as a better alternative with no appropriated budget, and no fiscal responsibility? I can foresee that this will only REDUCE the activities on the Preserve which many have complained is the reason for a new change.

Additionally, the NPS has alienated and polarized the use of its parks by Native Americans for the traditional practices of these groups. Jemez Pueblo has religious and cultural resources on Redondo Peak, Santa Clara and San Ildefonso also have shown religious and cultural resources in the Preserve and are now in danger of losing those to the regrettable management practices of the NPS. I believe that the Governors of these pueblos have brought to your attention this urgent concern.

The Valles Caldera Trust has acted to balance the multi-cultures of New Mexico without the prohibition of one groups interests. Ranchers have used the Preserve for decades, sportsmen have hunted its wildfowl and fished its rivers for thousands of years, native peoples have used the Preserve as a gathering spot for as long as their traditions speak. Yet now, all this will be put at risk and probably discarded without a fair hearing or investigation into the concerns of most Native New Mexicans!

Senator Bingaman, could this be the wrong plan? Why haven't you asked the U.S. Forest Service or the U.S. Department of Agriculture to conduct a similar study? After all, they are most familiar with the Valles Caldera and the success of the multiple use programs it features. It is my hope that the committee and it's members see the need to continue the Valles Caldera Trust and the Valles Caldera Preserve in it's current configuration as this management system has shown remarkable sustainability, and appropriate direction.

I respectfully honor your position and hope that the protection of this Preserve weigh heavily upon your decision to not be hasty in your judgment.

RUDY RIOS,
President.

STATEMENT OF GARRETT VENEKLASEN, PRESIDENT, NEW MEXICO BHA,
SANTA FE, NM

The New Mexico Chapter of Backcountry Hunters and Anglers supports S. 3452 to transfer the management of the Valles Caldera National Preserve (VCNP) to the National Park Service (NPS) as a national preserve.

BHA opposed the Valles Caldera National Trust this spring when they attempted to violate the North American Model of Wildlife Conservation and sell public elk tags to the highest bidder. Our experience working with the Valles Caldera National Trust has convinced us that new management by a professional land management agency is necessary.

The Valles Caldera has immense wildlife values and is a high priority area for sportsmen. Trout Unlimited believes that National Park Service will increase the public's ability to access the Valles Caldera, protect valuable fish and wildlife habitat and manage the area with the North American Model of Wildlife Conservation in mind.

BHA fully supports S. 3452 and the transfer of the Valles Caldera to National Park Service to be managed as a Preserve where hunting and fishing will be allowed.

STATEMENT OF JIM NORWICK, CHAIR, NEW MEXICO CHAPTER SOCIETY OF
AMERICAN FORESTERS

On behalf of the New Mexico Chapter, Society of American Foresters (SAF), the national, scientific and educational organization representing the forestry profession, with members throughout New Mexico working in all aspects of land management, please accept the following testimony for the Hearing Record on S. 3452, a bill to designate the Valles Caldera National Preserve as unit of the National Park System. As an organization chartered to advance the science, education, technology, and practice of forestry for the benefit of society, the New Mexico Chapter of SAF opposes S. 3452. We support the original legislation, Public Law 106—248 passed by the 106th Congress, which designates in Section 110 (c) that in the event of termination of the Trust, this land shall pass to the management of the Santa Fe National Forest, and be subject to all laws applicable to the National Forest System. This termination would occur in 2020 unless: 1) Management by the Trust becomes financially self-sufficient, or 2) amended by an act of Congress.

The Valles Caldera Trust (herein referred to as ‘Trust’) is a wholly owned government corporation strongly supported by U.S. Forest Service with some National Park Service assistance and limited Trust staff. The Trust is responsible for managing the Valles Caldera National Preserve since the Preserve was established in July, 2000 by Public Law 106-248. This 88,900 acre landscape of National Forest System Lands, located in north-central New Mexico, is a mixture of grasslands and forests with over 60,000 acres in forested cover. A primary statutory purpose of this land is, “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 other purposes,” and, “to provide for the sustained yield management of the Baca ranch for timber production and domesticated livestock grazing insofar as is consistent with the other purposes stated herein.”

Professional land managers and scientists with extensive experience in New Mexico agree that the current experiment fits well within the U.S. Department of Agriculture Secretary’s “All Lands, All Hands” policy initiative and U.S. Forest Service basic statutes which focus on landscapes, communities and public/private teamwork. In the 2009 Preserve Report and the “Trust’s” Board response to the GAO study results stated, “A lot of committed professionals and volunteers have dedicated themselves to the Preserve and they deserve a chance to succeed.”

Much of the forest land within the Unit, roughly 30,000 or more acres, has high forest density and fuel loading, such that these lands are extremely susceptible to high severity fire, insects and other disturbances at a scale that is ecologically uncharacteristic. The remainder, some 30,000 additional acres, is currently at a moderate to high risk of high severity fire as well. Many of the trees in these forests need to be removed to reduce fire hazard and restore overall ecosystem functionality. Considering the other statutes and mandates of the Forest Service and the Park Service, it is clear that this need, as well as the primary purpose of the original acquisition, fit much closer with Forest Service management objectives than with Park Service management objectives. The Forest Service already has contracts and agreements in use that can be readily applied to forest and watershed health restoration activities on Valles Caldera National Preserve. Indeed, the jurisdictional patterns of Valles Caldera National Preserve and National Forest lands facilitate administrative efficiencies that can be realized by a single administrative responsibility (Valles Caldera is National Forest land within the Santa Fe National Forest).

Additionally, the Forest Service has the expertise and experience to conduct this much needed work. While the Park Service could acquire this expertise, it makes far more sense to keep this land under management of the agency that is experienced and ready to implement appropriate treatments.

Proper management of these lands should continue to include the Multiple Use-Sustained Yield Act. Multiple use land management strategies lead to positive water balances, likely increased water flows, healthy wildlife populations, and a broad range of recreation opportunities. By administering the Valles Caldera as a special unit, the Forest Service could continue to manage recreation access and other public uses in accordance with the original objectives of the purchase and public desires. Designating Valles Caldera as a national park would limit the ability of land managers to continue to implement these multiple use management strategies, and could result in negative impacts on the health of the Unit.

The New Mexico Chapter of the Society of American Foresters, representing professional foresters and natural resource specialists throughout New Mexico feels strongly that the current administrative structure set forth in the original enabling

legislation should continue. As society increases its expectations for multiple goods and services from both our public and private lands evaluation of new public land management strategies, such as the one currently in place on the Valles Caldera National Preserve, need to be attempted and evaluated. While the current approach has faced some challenges, many strategies for effective multiple use management have evolved along with other advances in multiple use management practices. Altering the administrative structure of this effort at this juncture in time potentially jeopardizes the continued gains that are being made from the current effort.

STATEMENT OF TROUT UNLIMITED

The New Mexico Council of Trout Unlimited supports S. 3452 to transfer the management of the Valles Caldera National Preserve (VCNP) to the National Park Service (NPS) as a national preserve.

Trout Unlimited has long been involved in conservation efforts at the Caldera and our experience working with the Valles Caldera National Trust has convinced us that new management by a professional land management agency is necessary.

The Valles Caldera has immense wildlife values and is a high priority area for sportsmen. Trout Unlimited believes that National Park Service will increase the public's ability to access the Valles Caldera, protect valuable fish and wildlife habitat and manage the area with the North American Model of Wildlife Conservation in mind.

Trout Unlimited fully supports S. 3452 and the transfer of the Valles Caldera to National Park Service to be managed as a Preserve where hunting and fishing will be allowed.

STATEMENT OF MICHAEL TRUJILLO, VALLES CALDERA NATIONAL PRESERVE

Thank you very much for taking my phone call yesterday. It was a pleasant surprise dialing a Washington D.C. phone number and actually visiting with the person I called. This has never happened before.

As an employee of the Valles Caldera National Preserve (VCNP) I have been counseled by my supervisors on my comment responsibilities on the Bill which Senator Bingaman recently introduced placing the VCNP under the National Park Service (NPS). I have worked hard at not compromising my role as Hunt Manager on the VCNP by avoiding any conflict of interest but enough is enough. There are those who insist on maligning our elk and / or turkey hunt programs by claiming that we cater to the wealthy by selling the VCNP elk hunts for tens of thousands of dollars. This is an absolute misrepresentation of a program that meets the needs of all sportsmen and sportswomen whether blue collar or white collar. The critics also suggest that our customers are not a diverse set of sportsmen and sportswomen. Another misrepresentation which I hope the Senator has not accepted as accurate. Our hunts encourage and promote safety, ethics, youth / mentor participation, and women in the field. The VCNP hunts are considered quality hunts and per our hunters own words, "the best public land elk hunting in the United States.". We have partnered with the Rocky Mountain Elk Foundation, National Wild Turkey Federation, and the New Mexico Department of Game and Fish. ~70% of our hunters complete and submit a post elk / turkey hunt evaluation. Of that number ~90% of our customers evaluate their hunts as outstanding. We promote quality through controlled access and personal hunter attention.

Also, please consider the following:

- 1) since the government purchase of the Baca Ranch hundreds of hunters have hunted this property,
- 2) hunter bull elk harvest success is ~80%,
- 3) hunter antlerless elk harvest success is ~50%,
- 4) we have a perfect safety record, i.e. no significant / reportable injuries,
- 5) we have met the hunt needs of many mobility impaired individuals,
- 6) hunt lottery participants average 3.5 tickets purchased or ~\$75 (not the suggested \$10,000),
- 7) we have catered to the hunt opportunity needs of female and youth hunters,
- 8) we work closely with the New Mexico Department of Game and Fish,
- 9) our elk herd management strategy helps meet the game management priorities of Game Management Units 6A and 6C,
- 10) we keep accurate elk / turkey harvest records including age, health, CWD, pregnancy, antler score, etc. records.

Bottom line is we are all about safety and quality. We have a great elk / turkey hunt program that does not cater to the rich and famous. We have worked hard to establish our reputation as equal opportunity hunt providers. We welcome outdoorsmen and women from all walks of life.

However, I am not sure that your new management plan will meet hunter expectations. I am not aware of many NPS hunt success stories. The law must contain verbage establishing, promoting, and executing a Game Management Plan. It's not just protecting and preserving but improving as well.

Please assure that game management is a part of the transition process. Don't let this most important consideration get lost in the potential turmoil of change. I continue to solicit the Senator's positive action naming Lucia Sandoval—Turner and Dennis Trujillo to the transition team.

Again, thank you and I look forward to meeting with you in August.

STATE OF NEW MEXICO,
OFFICE OF THE GOVERNOR,
Santa Fe, NM, June 22, 2010.

Hon. JEFF BINGAMAN,
U.S. Senate, 703 Hart Senate Office Building, Washington, DC.

Hon. TOM UDALL,
U.S. Senate, B40D Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR BINGAMAN AND SENATOR UDALL: Thank you for your leadership in introducing the Valles Caldera National Preserve Management Act to ensure the long-term protection of one of New Mexico's most magnificent natural areas. New Mexico's Valles Caldera is one of only three supervolcanoes in the United States, in the company of Yellowstone, Wyoming and Long Valley, California. The Valles Caldera is home to important tribal and cultural sites as well as natural resources including elk, deer, and other wildlife. Permanently protecting this unusual landscape as a Preserve in our National Park Service system is the right thing to do.

I appreciate the good work of the Board Members of the Valles Caldera Trust and the Preserve staff over the last decade. However, I concur with you that transfer of management to the National Park Service is appropriate for the long-term preservation of the Valles Caldera.

It is critical that activities such as hunting, fishing, and cattle grazing continue to be permitted in the new Preserve, and your bill allows these traditional uses of the land to continue. The state will still have an important role in wildlife management. As this proposal moves forward, I request that your offices and the National Park Service work closely with the State, particularly the New Mexico Department of Game and Fish and State Game Commission, to ensure that traditional uses of this landscape are preserved for future generations.

I encourage timely passage of the Valles Caldera National Preserve Management Act.

Sincerely,

BILL RICHARDSON,
Governor.

STATEMENT OF THOMAS CAMPOS, COUNTY MANAGER, BOARD OF COUNTY
COMMISSIONERS, RIO ARriba COUNTY, NM

The County of Rio Arriba proposes that the most effective public use of the Valles Caldera for all purposes can best be realized by its management by the United States Department of Agriculture / United States Forest Service which has a long history of multiple use management. If it is a foregone conclusion that only the National Park Service will be considered for the management of the Valles Caldera, then the following comments are directed to both agencies. The County's comments on the Valles Caldera are as follows.

The "pristine" qualities or nature of the Valles Caldera which prompted the acquisition of this property by the federal government in 2000 are the result of a long history of active land uses, including those practiced by surrounding native rural communities and families, Hispanic as well as Native American. These are communities who continually experience 15% to 20% unemployment rates and very low household income levels. The extensive and abundant grasses of the Valles Caldera have a long history of major grazing by sheep and then cattle up until it was sold to the federal government. The continued intense grazing of livestock is an indispensable activity to maintaining the health of the caldera grasslands. In turn these

healthy grasslands will continue to support the native fish and rich wildlife habitat of the caldera and its much acclaimed hunting of big game, especially the elk.

The "Valles Caldera National Preserve Management Act" does not require that grazing be maintained at levels adequate to keep the grass vigorous and healthy. Rather, the grazing of livestock is left to the discretion of the Secretary of the Interior which authority will sooner or later lead to a decrease in grazing activity or its ineffectual use of this important management tool for removing undesirable vegetative growth from the landscape. If the reduction of grazing occurs then more fuel will be left on the ground and this ground fuel will increase risks of a catastrophic forest fires such as the 2000 Cerro Grande fire that was started in the Bandelier National Monument as a controlled burn. This is especially true since the forest itself is now and has been for some time densely overgrown with undersized trees.

The County of Rio Arriba supports several of the purposes of the Act, including the science and education center and in particular, that it "(iii) provides for improved methods of ecological restoration and science-based adaptive management of the Preserve" and "(2) to the extent the use furthers scientific research or interpretation of the ranching history of the Preserve." The County interprets these purposes to be a recognition of the positive impact of historical grazing on the Valles Caldera. However, this recognition that the native, both Indianhispano and tribal, rural communities surrounding the Jemez Mountain range contributed much to the richness of the Valles Caldera is not a protected specific activity in the Act itself. The County is concerned that the native cultural value of its sustainable agrarian practices will not play an active role in the Valles Caldera under the National Park Service. To this end, the County proposes that specific language be drafted to include in the Act the active participation of native rural communities, Hispano and Native American, in the Valles Caldera for all purposes.

The hunting activity or purpose in the Act also appears to be inadequately treated since the role of the New Mexico Game and Fish Department (NMGF) is only advisory in nature to that of the Secretary. In New Mexico the game and fish are owned by the State and therefore subject to management by the NMGF Department. This arrangement is recognized and followed by the USDA US Forest Service. It is unclear why the National Park Service should not be subject to the same management of the game and fish by the State. Elk hunting in New Mexico is a big industry that presents numerous challenges/opportunities for proper management, including predator control. At present the mortality rate of elk calves is higher in the Valles Caldera than in almost any other habitat in New Mexico due to high predator populations on the property. The County doubts that the NPS' control of game and fish in the Valles Caldera under the Act will be an improvement over the present "Trust" arrangement. The State of New Mexico should play an active authoritative role.

The County of Rio Arriba is concerned about the fact that the current "Trust" management of the Valles Caldera has not been given a full opportunity to learn from its early years of operation and to make adjustments accordingly. A project of this magnitude requires much more than 10 years to realize, especially when full implementation of best practices have been stymied in that management approach. This would include the need to fully engage the local "native" communities in the grazing of livestock and timber management in the educational component of the Valles Caldera. The native communities have much to offer and have much economic as well as cultural need for access to the Valle Caldera. Any minimal gains made by the local communities with the Trust now appear at risk. The County is equally concerned that the valuable studies and lessons learned under the Trust model will not be utilized in the NPS model.

The practice of the creation of enclosures,"parks," whether in the United States or Africa. has been of great concern to Anthropologist in recent studies. The studies have discussed the stresses to local communities and the lands surrounding the enclosures, eradication of culture, injustice, and ecological damage to surrounding lands. Ecologically, islands created by these enclosure do not cease to fully interact with the surrounding eco-system and failure to take into consideration a global view bears negative results on and off the enclosed lands. The ecology, in the view of Natural Resource anthropologists, have to include the human populations in all circumstances.

The land base of the County of Rio Arriba is about 70% federally owned and controlled and this has resulted in a commensurate loss of economic opportunities for its residents over the past 100 years or more. The livestock industry in the County during this time was the mainstay of the local economy, even through it has continued to shrink over the years, largely due to federal land management decisions. Under the Trust model the County was hopeful that positive economic and educational gains for local traditional native communities through full participation on

the Valles Caldera grazing, timber management and other programs would have been realized. Now, without the proper federal, state, tribal and local governmental model, the County is concerned that the Valles Caldera under the NPS model will provide nothing more than incidental benefits/damage to our rural communities. Similarly, the Valle Caldera itself could suffer degradation of its natural resources, if its managers, regardless of the model, do not make full use of the range and wildlife science available for its operation. The County encourages our congressional delegation to take a harder look at the issues involved in this transition and to provide a full public airing of this proposed Act in northern New Mexico.

ROCKY MOUNTAIN ELK FOUNDATION,
Missoula, MT, July 6, 2010.

Energy and Natural Resource Committee Office, 304 Dirksen Senate Building, Washington, DC.

DEAR SIRs: The Rocky Mountain Elk Foundation (RMEF) has reviewed Senate File 3452 "To designate the Valles Caldera National Preserve as a unit of the National Park System, and for other purposes." We are well aware of the historic attempts to protect this property and have been aware that the experiment with making the property self-sustaining has been a challenge. We are also aware of the tremendous wildlife value and the importance of the historical and cultural perspectives as well.

We do not favor transfer to the National Park Service for a number of reasons. The Valles Caldera National Preserve, while covering about 89,000 acres, does not represent an ecosystem but more resembles an island surrounded almost entirely by the Santa Fe National Forest. With the very large difference in policy, philosophies and administration between the Department of Agriculture and the Department of Interior, it does not seem prudent to create yet another jurisdiction boundary in this important wildlife habitat that would only serve to complicate management of wildlife and other natural resources. The enabling legislation (S.1892—Valles Caldera National Preserve and Trust) specifically charges the Secretary of Agriculture with primary powers over the Preserve while management will be under the auspices of the Valles Caldera Trust. Sect. 110 addresses the termination of the Valles Caldera Trust at the end of the twentieth full fiscal year following acquisition. There are also stipulations after the fourteenth full fiscal year and the eighteenth full fiscal year. The section further goes on to state "in the event of termination of the Trust, the Secretary shall assume all management and administrative functions over the Preserve, and it shall be managed as a part of the Santa Fe National Forest, subject to all laws applicable to the National Forest Systems." The RMEF strongly advocates adhering to the intent of the enabling legislation passed on January 24, 2000.

With regards to recreational hunting, we fear the NPS policy, management and administration may further complicate wildlife resource management. While SF 3452 includes Sec 3 (f) Fish and Wildlife "the Secretary shall permit hunting and fishing on land and waters within the Preserve in accordance with applicable Federal and State laws, except that the Secretary may, in consultation with the New Mexico Department of Game and Fish, designate zones in which, and establish periods during which, no hunting or fishing shall be permitted for reasons of public safety, administration, the protection of wildlife and wildlife habitats, or public use and enjoyment." While those words seem to provide for recreational hunting, the National Park Service policy and procedures generally try to minimize or eliminate hunting on lands they manage. The National Park system has very few units where big game, upland game bird or waterfowl hunting are allowed. This agency does not have the experience in managing hunting recreational opportunities or hunting related activities as does the United States Forest Service and the Bureau of Land Management.

According to local managers, the Valles Caldera Preserve provides calving and nursery areas for 6,500 to 7,000 elk each spring and early summer. Elk that winter in other hunt areas and/or that spend most of their lives outside of the Preserve are dependent on the Preserve for elk calving and early calf care. During the fall period, there are generally 2,500 to 3,500 elk found on the Preserve during the hunting season.

The Santa Fe National Forest and the Valles Caldera Preserve were recently awarded a forty million dollar (\$40,000,000) Collaborative Forest Landscape Restoration Program grant. This project was selected as one of the highest national priorities for national forest systems. This award exhibits the strong collaborative partnerships successfully initiated during the past years and the need for extensive

habitat restoration work to bring the forests and rangelands back into healthy and fully functioning ecological condition. The Jemez Seeking Common Ground collaborative working group was formed in 1999 and the RMEF provided funding to get various interest groups together for better forest and range management. RMEF was also fully engaged with attendance at every meeting of this collaborative group. It is rewarding for us to be part of the solution to resource management challenges that eventually were recognized nationally with this sizable grant. Under National Park Service management, the Preserve will no longer be eligible for these funds to do much needed habitat restoration work.

On December 28, 2001 the state of New Mexico legislature created a public land habitat stamp, often referred to as the Sikes Act. Every hunter, angler and trapper who hunts on public land managed by the United States Forest Service or the Bureau of Land Management in the state is required to purchase a habitat stamp. The expenditure of the funds collected from this regulation is to be consistent with the land management plans of the United States Forest Service, the United States Bureau of Land Management, and the plans of the New Mexico Department of Game and Fish. However, hunting, fishing and trapping on the Preserve under NPS management will not require a habitat stamp nor will the Preserve be eligible for Sikes Act funds for habitat restoration or management work.

Many supporters of the transfer of the Preserve to the National Park Service do not have an opinion on who should managed the Preserve, the National Park Service or the United States Forest Service, but only wish to see more public access to this land that was purchased with public funds. Transfer to either agency would address additional access for the public, although the various activities allowed might differ appreciably.

The United States Forest Service has a long history of managing public lands for multiple-use and for the greater good of the public in this country. They have long recognized that man has affected natural systems enough that natural processes will not put our forests and ranges back into functioning ecological systems, that it will take management by skilled professionals to affect that change. In addition to expertise in forest and range health, soils, hydrology, wildlife habitat and recreation management, they are expert in protecting cultural values found on the 193,000,000 acres they currently manage.

For the past twenty six years the RMEF has been actively engaged with state and federal agencies in protecting and enhancing elk country through our land trust work and through habitat enhancement projects. We strongly oppose the transfer of the Valles Caldera National Preserve to the National Park Service.

Sincerely,

M. DAVID ALLEN,
President/CEO.