CHAPTER 5:
CONSULTATION AND COORDINATION

PUBLIC AND AGENCY INVOLVEMENT

The *Draft General Management Plan / Environmental Impact Statement* for Guadalupe Mountains National Park represents thoughts of the National Park Service, other agencies, American Indian groups, and the public. Consultation and coordination among these groups were vitally important throughout the planning process.

The public had three primary avenues by which it participated during the development of the plan. These included participation in public meetings, responses to newsletters, and comments on the NPS Internet site.

PUBLIC MEETINGS AND NEWSLETTERS

Public meetings and three newsletters were used to keep the public informed and involved in the planning process for Guadalupe Mountains National Park. A mailing list was compiled that consisted of members of governmental agencies, nongovernmental groups, businesses, legislators, local governments, and interested citizens.

The notice of intent to prepare an environmental impact statement was published in the *Federal Register* on February 23, 2000.

The response to scoping for this management plan was very strong. We received more than 150 letters commenting on the first newsletter (April 2000) and more than 200 comments at the six public meetings that were held at Van Horn, Midland-Odessa, Queen, Dell City, Carlsbad, and El Paso in April 2000. About 104 people, in total, attended these meetings. A summary of the comments received from the public is provided in Appendix F.

A general management plan alternatives workshop was held at Washington Ranch on November 2, 2000. Thirty individuals attended this workshop, representing many of the constituencies that are interested in the park, including park neighbors, American Indian tribes, community leaders, and other governmental agencies.

Through these various venues, a variety of points of view about future visions for the park and park management issues were offered from park neighbors, American Indian tribes, community leaders, governmental agencies, conservation groups, local citizens, commercial interests, and other interested groups. The comments covered a wide range of perspectives. Although each commenter may have had a different vision of the park, everyone had a common interest in its valuable resources.

Some respondents sought to enhance resource protection by Congressionally designating more wilderness. Others suggested that allowing agriculture (grazing), increasing prescribed fires, and providing more surface water in the park would conserve resources and enhance the habitat for native wildlife. There was a concern for preserving archeological and cultural resources, particularly maintaining historic sites, and protecting the world-class geologic resources.

The most dramatic divergence of opinion was expressed on use and access within the park. Some wanted more facilities and access to serve a wider range of visitors, while others wanted to preserve the diverse resources and sense of solitude with stricter use regulations and more access restrictions. The need for better -developed camping facilities and provisions for greater accessibility on established trails were mentioned.

The value of the park for research was recognized by a number of respondents, especially for geological and paleontological research. Suggestions included creating more outreach

and partnership programs. The opportunity for partnerships was noted as a means to enhance educational programs, scientific research, and energy development.

The second newsletter was distributed in May 2001 and described the proposed management zones for the park and the draft alternatives. The few comments received indicated that the zones needed to be presented in greater detail before interested parties could effectively comment.

A third newsletter, distributed in September 2002, presented the proposed zones and alternatives in greater detail and included maps. Approximately 1,000 newsletters were sent out, and the park received 82 comments in both letters and email. Many people were satisfied with the status quo. About two-thirds of the commenters liked alternative B but wanted caveats or additions to it. Five commenters preferred alternative A, and six preferred alternative C. Five commenters had no preference among the alternatives. There was not much support for having concessioners in the park. There was support for some trail enhancements, removing or relocating the recreational vehicle campground, and providing a new campground for recreational vehicle and tent campers. Some expressed an interest in having a "store" for basic supplies. There was little support for better access to Williams Ranch. There was one comment about wanting a road from Williams Ranch to Dell City.

CONSULTATION WITH OTHER AGENCIES, OFFICIALS AND ORGANIZATIONS

Section 7 Consultation

On May 10, 1999, a letter was sent to the U.S. Fish and Wildlife Service requesting information on threatened and endangered species, species of concern, and designated critical habitats from Hudspeth and Culberson Counties in Texas. A copy of the letter from the U.S. Fish and Wildlife Service that provided this information is provided in appendix G.

Should an alternative be selected that would potentially impact the Mexican spotted owl or its habitat, consultation with the U.S. Fish and Wildlife Service would be initiated.

Air Quality and Flood Hazards

A letter was sent to the Texas Natural Resource Conservation Commission (now the Texas Commission on Environmental Quality) regarding general conformity impacts from actions that could be included in the general management plan with 40 *Code of Federal Regulations* Part 93 and Chapter 101.30 of the commission's General Rules. Their reply was that demolition, construction, rehabilitation, or repair projects will produce no significant impact on the ability of the area to meet air quality standards.

For flood hazards, it was determined by the commission from a review of the information provided that an application for approval of a floodplain development project need not be filed with the commission. Their records show that the community is a participant in the National Flood Insurance Program and, as such, has a Flood Hazard Prevention Ordinance / Court Order (see appendix G).

Section 106 Consultation

Agencies that have direct or indirect jurisdiction over historic properties are required by Section 106 of the National Historic Preservation Act of 1966, as amended (16 *United States Code* 270, *et sequens)* to take into account the effect of any undertaking on properties eligible for listing in the National Register of Historic Places. To meet the requirements of 36 *Code of Federal Regulations* 800, the National Park Service sent letters to the Texas state

historic preservation officer and the Advisory Council on Historic Preservation on April 6, 2000, inviting their participation in the planning process. Both offices were sent all of the newsletters with a request for comments.

Under the terms of stipulation VI.E of the 1995 programmatic agreement among the National Park Service, Advisory Council on Historic Preservation, and National Conference of State Historic Preservation Officers, the National Park Service, in consultation with the state historic preservation officer, will make a determination about which are programmatic exclusions under IV.A and B, and all other undertakings, potential effects on those resources to seek review and comment under 36 *Code of Federal Regulations* 800.4-6 during the plan review process.

Consultations with Traditionally Associated Tribes

Through ethnographic and ethnohistorical evidence, park staff have identified 13 tribes that at one time or another maintained territory within what is now Guadalupe Mountains National Park in which aboriginal, indigenous culture, including subsistence, was practiced. The tribes are as follows:

- Apache Tribe of Oklahoma
- Comanche Indian Tribe, Oklahoma
- Fort Sill Apache Tribe of Oklahoma
- Hopi Tribe of Arizona
- Jicarillo Apache Tribe of the Jicarilla Apache Indian Reservation, New Mexico
- Kiowa Tribe of Oklahoma
- Mescalero Apache Tribe of the Mescalero Reservation, New Mexico
- Pueblo of Isleta, New Mexico
- Pueblo of Zia, New Mexico
- San Carlos Apache Tribe of the San Carlos Reservation, Arizona
- White Mountain Apache Tribe of the Fort Apache Reservation, Arizona
- Ysleta del Sur Pueblo of Texas
- Zuni Tribe of the Zuni Reservation, New Mexico

These names are given as they appear in the list of federally recognized tribes in the *Federal Register*, volume 65, number 49, March 13, 2000.

The park staff regularly conducts government-to-government relations with those of the park's traditionally associated tribes who desire to participate. Park staff aim for effective communication and the sharing of information and knowledge about mutual interests in the park, including concerns about park planning and operations and the management of cultural and natural resources.

In April 2000, the park superintendent sent letters of invitation to consult about the ongoing general management planning process. Two tribes indicated an interest to do so: the Mescalero Apache Tribe and the Ysleta del Sur Pueblo (also known as the Tigua Indian Tribe). American Indian consultation meetings were conducted with these tribes, as well as follow-up telephone calls and written invitations to comment on the draft general management plan.

Park Superintendent Ellis Richard and Chief of Resources Management and Visitor Protection Janice Wobbenhorst met at the Mescalero Apache Cultural Center and later at tribal headquarters on July 12, 2000, with representatives of the Mescalero Apache Tribe, including Tribal Historic Preservation Officer Donna McFadden and Mescalero Apache Cultural Center Curator Ellen Bigrope. The National Park Service planning process was discussed, along with reasons for the need for a new general management plan. The idea of Tribal Council members and elders visiting the park was expressed by the tribe and encouraged by the park. The tribe recognized the need for its members to become more familiar with what is now the park and its resources. The tribe indicated a willingness to

address possible future tribal concerns in relation to the park.

On September 20, 2000, Superintendent Ellis Richard and Chief of Resource Management and Visitor Protection Janice Wobbenhorst met at tribal headquarters with representatives of the Tigua Indians of Ysleta del Sur Pueblo, including Governor Albert Alvidrez, Tribal Attorney Robert Truehill, and Dr. Adolph Greenberg, a contracting anthropologist who became the tribal ethnographer after conducting an ethnographic study of Mescalero Apache and Tigua associations with the park. Part of the study method involved Tigua tribal members visiting the park (Greenberg 1996).

The Tigua indicated strong cultural ties to the Salt Basin Dunes and expressed their desire to be involved in the entire general management plan process. The NPS representatives encouraged the Tigua to do so. The Tigua suggested tribal representation on the planning team and the need to continue to meet. The Tigua used the term "whole landscapes" as a focus of their concern with what they said were religious relationships, which the National Park Service interprets as cultural landscapes, a category of cultural resource management for protection and preservation. The Tigua said they wished to see and comment on the range of proposed management alternatives in the draft general management plan, which would be part of the process of American Indian consultations.

Since arriving in April 2004, park Superintendent John Lujan has been in contact with the two American Indian tribes primarily interested in government-to-government American Indian consultations with the park, the Mescalero Apache Tribe and the Tigua Indians of Ysleta del Sur Pueblo. He made assurances about continuing the ongoing dialogue the park has in place with these tribes regarding any concerns they might have on how the park and its resources are being managed.

Consultations for the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA)

Museum collections have been inventoried for items covered by this act, such as human remains, funerary objects, and sacred or other objects of cultural patrimony. Fragmentary human remains and associated funerary objects were found representing some 10 persons, believed to be prehistoric. The federally recognized, affiliated tribes were notified, and a conference was held during November 2000. The remains and objects associated with them were "adopted" by the tribes, with the Mescalero Apache Tribe of the Mescalero Reservation, New Mexico, and the Tigua Indians of the Ysleta del Sur Pueblo of Texas emerging as leaders to deal with the National Park Service on behalf of the other tribes. Agreement was reached to reinter these remains and objects within the park. A mutually acceptable place has been selected, but reinterment has not yet occurred. This should take place in the not too far distant future with appropriate ceremonies led by representative American Indians. When this happens, all mandates of the Native American Graves Protection and Repatriation Act should be met.

FUTURE COMPLIANCE REQUIREMENTS

Table 15 identifies lists the specific undertakings of the preferred alternative. First listed are the NPS determinations of how those individual undertakings relate to the 1995 programmatic agreement in relation to cultural resources. Other compliance, as appropriate, is also listed.

Table 15: Future Compliance Required for Implementation of Specific Actions, Preferred Alternative

ACTION IN PREFERRED ALTERNATIVE	COMPLIANCE REQUIREMENT
Cultural Resources. Upgrading the road to Williams Ranch but keeping it a single lane with high-clearance vehicular access would be covered by a park-documented categorical exclusion, as would trail and road widening and facility development in previously disturbed ground.	No further state historic preservation officer review necessary.
Cultural Resources. Moving camping from the Pine Springs trailhead area to a new, larger campground in the Pine Springs / Frijole Ranch frontcountry area would require archeological surveying. Such surveying would be required also for the new picnic area, parking lot, and trailhead at the Frijole Ranch for the visitor contact station, restroom, and campground expansion at Dog Canyon before any increased visitor activity patterns would be permitted in the gypsum sand dunes before any trail and road widening and facility development occurred in previously undisturbed ground If newly discovered or known sites eligible or listed in the National Register of Historic Places could not be avoided, state historic preservation officer concurrence for mitigation would be required. Rehabilitation of the Ship-on-the-Desert and Pratt Cabin homes of Wallace Pratt would be done with state historic preservation officer consultation, as would that of the Frijole Ranch house.	Future further state historic preservation officer review may be necessary at the design stage of the project.
Cultural Resources. Ranching and mining remnants as historic structures and objects reminiscent of past ranching and mining operations would be systematically evaluated for eligibility for listing in the National Register of Historic Places. Those not eligible would be allowed to deteriorate or would be removed for public safety reasons. Consultation and concurrence with the state historic preservation officer would be part of eligibility evaluation and any mitigation that might be required if, for some reason, eligible historic properties could not be preserved.	Further state historic preservation officer review might be necessary before making a decision to allow a particular historic structure or object to deteriorate. Review would be necessary for any mitigation concurrence.
Cultural Resources. In accordance with Section 5.2.1 of *Management Policies 2006* (NPS 2006b), the park will consult with traditionally associated American Indian tribes before permitting any increased visitor use of the gypsum sand dunes area."	Section 5.2.1 of *Management Policies 2006* (NPS 2006b) states in part that "traditionally associated peoples should be consulted about: . . . proposed NPS actions that may affect the treatment of, use of, and access to cultural and natural resources with known or potential cultural meaning for the groups."
Natural Resources. Establishment of new trails or facilities in areas where there may be Mexican spotted owls or habitat would involve consultation with the U.S. Fish and Wildlife Service.	NEPA compliance would be initiated as required. Examples of actions requiring compliance are listed in Chapter 1 under "Implementation of the Plan." Further Section 7 consultation with the U.S. Fish and Wildlife Service would be required.

AGENCIES, ORGANIZATIONS, AND INDIVIDUALS RECEIVING A COPY OF THIS DOCUMENT

FEDERAL AGENCIES

Advisory Council on Historic Preservation
U.S. Department of Agriculture
- Lincoln National Forest
  - Guadalupe District, Lincoln National Forest
- Natural Resources Conservation Service

U.S. Department of the Interior
- Bureau of Land Management
  - Carlsbad Field Office
  - Las Cruces Field Office
  - Roswell Field Office
- National Park Service
  - Amistad National Recreation Area
  - Carlsbad Caverns National Park
  - Big Bend National Park
  - Chamizal National Monument
  - Ft. Davis National Historic Site
  - White Sands National Monument
- U.S. Fish and Wildlife Service
  - Region II, Albuquerque
  - Ecological Services Office, Austin
  - Ecological Services Office, Albuquerque
- U.S. Geological Survey

U.S. Environmental Protection Agency

U.S. SENATORS AND REPRESENTATIVES

U.S. House of Representatives
- Honorable Ciro D. Rodriguez, Texas
- Honorable Steve Pearce, New Mexico
- Honorable Sylvester Reyes, Texas

U.S. Senate
- Honorable Jeff Bingaman, New Mexico
- Honorable John Cornyn, Texas
- Honorable Pete Domenici, New Mexico
- Honorable Kay Bailey Hutchison, Texas

STATE AGENCIES

General Land Office, Texas
New Mexico Department of Game and Fish
New Mexico Department of Forestry and Conservation
New Mexico Department of Natural Resources
New Mexico Natural Heritage Program
Rio Grande Council of Governments, El Paso
Texas Commission on Environmental Quality (formerly the Texas Natural Resources Conservation Commission)
Texas Department of Transportation, El Paso Office
Texas Forest Service
Texas Historical Commission
Texas Parks & Wildlife Department
- Parks Division
- Wildlife Division
- Resource Protection Division
- Texas Natural Heritage Program

Texas State Historic Preservation Office
Texas Water Development Board

STATE OFFICIALS

Texas Single Point of Contact, Governor's office
Honorable Pete P. Gallego, State Representative, District 74
Honorable Carlos I. Uresti, State Senator, District 19
Honorable Rick Perry, Governor of the State of Texas
Honorable Eliot Shapleigh, State Senator, District 29

AMERICAN INDIAN TRIBES TRADITIONALLY ASSOCIATED WITH PARK LANDS

Apache Tribe of Oklahoma, Anadarko, Oklahoma
Comanche Tribe, Lawton, Oklahoma
Ft. Sill Apache Tribe, Apache, Oklahoma
Hopi Tribe, Kykotsmovi, Arizona
Isleta Pueblo, Isleta Pueblo, New Mexico
Jicarilla Apache Tribe, Dulce, New Mexico

Kiowa Tribe, Carnegie, Oklahoma
Mescalero Apache Tribe, Mescalero, New Mexico
San Carlos Apache Tribe, San Carlos, Arizona
White Mountain Apache Tribe, White River, Arizona
Ysleta del Sur Pueblo (Tigua), El Paso, Texas
Zia Pueblo, Zia Pueblo, New Mexico
Zuni Pueblo, Zuni, New Mexico

CITY AND COUNTY GOVERNMENTS

County Commissioners, Culberson County
County Commissioners, Eddy County
County Commissioners, Hudspeth County
Judge Manual Molinar, County Judge, Culberson County
Judge Becky Dean-Walker, County Judge, Hudspeth County
John Jones, County Commissioner, Precinct #3, Culberson County
Jim Kiehne, County Commissioner, Precinct #4, Hudspeth County
Mayor Pro-tem Eddie Chacon, City of Dell City, Texas
Mayor Bob Forrest, City of Carlsbad, New Mexico
Mayor Okey D. Lucas, City of Van Horn, Texas

LOCAL LIBRARIES

Carlsbad Public Library
Dell City Public Library
Ector County Library
El Paso Public Library
New Mexico State University–Carlsbad Library
New Mexico State University–Las Cruces Library
Southwest Texas State University Library
Sul Ross State University Library
Texas A & M University Library
Texas Tech University Library
University of New Mexico Library
University of Texas-Austin Library
University of Texas-El Paso Library
University of Texas-Permian Basin Library
Van Horn City/County Library

ORGANIZATIONS AND BUSINESSES

Carlsbad Caverns / Guadalupe Mountains Association
Chamber of Commerce, Carlsbad
Chamber of Commerce, Dell City
Chamber of Commerce, El Paso
Chamber of Commerce, Van Horn
Chihuahuan Desert Research Institute
Hudspeth Directive for Conservation
National Audubon Society, Austin
National Parks & Conservation Association
Sierra Club, Dallas Chapter
Sierra Club, El Paso Chapter
Sierra Club, Houston Chapter
Southwest Environmental Center, Las Cruces
The Conservation Fund, Texas Program Coordinator
Texas Nature Conservancy, John King, West Texas Programs Office
The Nature Conservancy of Texas, Austin
Wilderness Society
World Wildlife Fund, Las Cruces

INDIVIDUALS

The list is available at park headquarters. A notice was sent to determine who wanted a printed copy of this document or a compact disk version, or who would be willing to look at the document on the Internet.