

**STATEMENT OF  
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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE  
UNITED STATES SENATE  
COMMITTEE ON ENERGY AND NATURAL RESOURCES  
July 1, 2010  
CONCERNING  
S. 3452 the Valles Caldera Preserve Management Act**

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 wildlife 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.