February 24, 2010

HAND DELIVERED

The Honorable Jeff Bingaman
119 East Marcy St., Suite 101
Santa Fe, NM 87501

The Honorable Tom Udall
120 So. Federal Place
Santa Fe, NM 87501

Re: Valles Caldera National Preserve

Dear Senators Bingaman and Udall:

Los Amigos de Valles Caldera has been following the responses to your joint letter requesting the National Park Service to review the feasibility of the Service taking over management of the Valles Caldera National Preserve.

First and foremost, we would like you to understand that Los Amigos will always work to volunteer its time and resources to the improvement of the Preserve no matter what management avenue the Federal Government chooses for its operation, e.g., National Park Service (NPS), U.S. Forest Service, or as presently envisioned, the Valles Caldera Trust.

However, we are concerned about several things with regard to a potential change in management:

One. The fourth and final criterion used by the Park Service in determining whether they should manage an important natural resource when it is already being managed by another federal agency was noticeably left unanswered. According to National Park Service Management Policies 2006: “To receive a favorable recommendation from the Service, a proposed addition to the national park system must (1) possess nationally significant natural or cultural resources, (2) be a suitable addition to the system, (3) be a feasible addition to the system, and (4) require direct NPS management instead of protection by other public agencies or the private sector. These criteria are designed to ensure that the national park system includes only the most outstanding examples of the nation’s natural and cultural resources. These criteria also recognize that there are other management alternatives for preserving the nation’s outstanding resources... 

There are many excellent examples of the successful management of important natural and cultural resources by other public agencies, private conservation organizations, and individuals. The National Park Service applauds these accomplishments and actively encourages the expansion of conservation activities by state, local, and private entities and by other federal agencies. Unless direct NPS management of a studied area is identified as the clearly superior alternative, the Service will recommend that one or more of these other entities assume a lead management role, and that the area not receive national park system status.” According to the letter transmitting the latest NPS report, “The scope of this report is limited to the first three criteria, and the need
for NPS management is not addressed.” So we wonder, how and in what way could they do a better job than the Trust? With all due respect, this crucial question needs to be directly faced and addressed. As articulated by the Park Service, this last criterion is not a political decision, but rather a matter of history, financial resources, and staffing of the Service itself.

Two. The Park Service has a significant maintenance backlog and adding to Service’s list of units suggests that its limited resources will have to stretch even farther to cover the existing maintenance backlog on the Preserve. While the Park Service has been trying to rectify these problems in the last several years, it has been cited several times by the GAO for significant resource concerns at a number of their units. In the 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, it 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 education, visitor and resource protection, and maintenance activities; managers also increasingly relied on volunteers and other authorized funding sources to provide operations and services that were previously paid with allocations for daily operations.” (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]...”).

Three. It has been suggested that concerns about some activities, such as hunting, can be addressed in the legislation that would change management to the Park Service. However, that, as a solution to land use problems, is a source of increasing conflict within the Park Service. Daniel Wakelee, Associate Professor of Public Administration and Associate Dean of the Faculty at California State University, Channel Islands, studied this issue. In a paper prepared for the Annual Meeting of the Western Political Science Association in San Diego, California - March 20-22, 2008, entitled A Heritage of Conflict: Examining the Management of Pre-Existing Land Uses in National Parks, Professor Wakelee notes, “Despite policy mandates, contractual language, and property title deeds, the cases in this study indicate that the use and management of these lands [with pre-existing land uses] often produces significant conflict between the NPS and users of the land over questions of interpretation, intent, and renegotiation of the terms of use. These cases highlight a range of political, economic and personal interests which the NPS attempts to balance against its mission and the specific direction given in individual pieces of enabling legislation.” Professor Wakelee further notes that, “Despite any alternative interpretations by interests outside of the agency, the Organic Act remains the primary source of guidance and reference for policy and practice associated with land use within the NPS.” In other words, enabling legislation is often ignored, if the Park Superintendent or Secretary of the Interior decides it is in conflict with the Organic Act (16 U.S.C. 1, 2, 3).

In the Organic Act, Section 3 offers the following direction to the Secretary of the Interior in the management of park lands and the structuring of relationships with private interests in the parks, “... He may also provide in his discretion for the destruction of such animals and of such plant life as may be detrimental to the use of any of said parks, monuments, or reservations. He may also grant privileges, leases, and permits for the use of land for the accommodation of visitors in the various parks, monuments, or other reservations herein provided for, but for periods not exceeding thirty years; and no natural curiosities, wonders, or objects of interest shall
be leased, rented, or granted to anyone on such terms as to interfere with free access to them by the public: Provided, however, That the Secretary of the Interior may, under such rules and regulations and on such terms as he may prescribe, grant the privilege to graze live stock within any national park, monument, or reservation herein referred to when in his judgment such use is not detrimental to the primary purpose for which such park, monument, or reservation was created...” (16 U.S.C. 3). In other words, hunting or grazing rights could be allowed only for 30 years and may be abrogated at any time if it was decided that it interfered with “free access.” In the case of the Preserve, such an action would be likely to bring protracted legal wrangling. Of course, if hunting or grazing is allowed, it will probably bring legal wrangling as well from groups like Caldera Action.

Four. The land use conflicts cited above also include the use of parks by Native Americans for their traditional cultural and religious practices. The Park Service has a regrettable history with regard to relations with Native Americans as detailed in such books as Indian Country, God’s Country: Native Americans and the National Parks by Philip Burnham (Island Press, 2000) or American Indians and National Parks, by Keller and Turek (University of Arizona Press, 1998). We are concerned that our friends at Jemez and Santa Clara Pueblos or other affected pueblos will no longer have the access to their cultural and religious sites that the Trust has given them. We know that Jemez Pueblo has already expressed their concern to you about this.

In addition, “A highly polarized debate has emerged in the conservation literature about whether national parks in lesser developed countries should follow a strict protectionist model or find ways to accommodate the development and livelihood needs of local people. A number of social science critiques of national park practice and policy in lesser developed countries have argued that one of the chief problems facing national parks in particular, and biodiversity conservation in general, has been the USA national park model, often termed the ‘Yellowstone model’. This model, in which local and indigenous people and uses have been excluded from parks, has been blamed for harming local people, providing benefits to developed country interests at the expense of local people, high costs of park protection, and ineffective biodiversity conservation (Machlis & Tichnell 1985; West & Brechin 1991; Pimbert & Pretty 1995).” [The USA national parks in international perspective: have we learned the wrong lesson? Environmental Conservation (2001), 28:4:300-304, Cambridge University Press]. (Emphasis added.) These are still relevant concerns for Northern New Mexico today, as I am sure you know.

Let us re-emphasize that our sole objective is to maximize the most effective management system for the Preserve, particularly since over the past few years, the existing management has produced a marked improvement in the resource from its condition when purchased in 2000. As there are arguably at least five to ten more years under the current statutory scheme, it would seem that there is no apparent need for a “rush to judgment” on changing the management system. We look forward to an in-depth discussion of this matter with you, as we are all concerned with the overall health of this very important and beautiful natural resource.

Very truly yours,

Doug Fraser, Chair
Board of Directors
Los Amigos de Valles Caldera