

A GRAND EXPERIMENT IN PUBLIC LANDS MANAGEMENT:  
RESPONSIVENESS IN THE VALLES CALDERA NATIONAL PRESERVE

by

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(Under the Direction of J. Edward Kellough)

ABSTRACT

The Valles Caldera National Preserve, created in 2000, is not managed by a traditional federal agency. Instead, it is operated as a public trust and governed by a nine-member board. Seven of the members are appointed by the U.S. president in consultation with the New Mexico congressional delegation. Five of the appointees must be from New Mexico, and each must have a specific expertise or represent an organization interested in the land and its resources. Additionally, the trust is to be financially self-sufficient by 2015, raising the funds necessary to carry out its multipurpose mission.

The experimental institutional features of the Caldera represent a bid to circumvent much of the stalemate and gridlock facing public lands, as well as an effort to enhance responsiveness to various stakeholder groups. The arrangement raises questions regarding the optimal mix of political and expert decision-making, the appropriate role of citizen input and participation, and accountability to national and local interests.

This research examines whether the unique management structure for Valles Caldera leads to a higher level of responsiveness to important stakeholders than typically found under the usual bureaucratic approaches. The research design is built on a

qualitative case study. Data sources consist of interviews, documents, and direct observations. Interview subjects include Preserve trustees and staff members, as well as external actors. The cluster of unique institutional features comprises the independent variable, and a series of dependent variables intended to measure responsiveness are conceptualized and evaluated.

Evidence on the extent to which the Caldera experiment enhances responsiveness is mixed. Many of the policies and procedures of the Preserve promote trust and create a positive view of the role of public lands management. However, many others, including less than transparent decision-making, inadequate communications, and a lack of opportunities for meaningful citizen engagement, leave stakeholders feeling disenfranchised. However, most of the shortcomings are associated with problems common to the creation of new organizations and the implementation of new procedures and programs, rather than being intrinsic to the experimental model. This research concludes with a discussion of theoretical and policy implications, as well as advice for key actors.

**INDEX WORDS:** Responsiveness, Accountability, Public Trust, Institutional Structures and Processes, Public Lands Management, Public Participation

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## DEDICATION

I would like to dedicate this endeavor to my two children, Madeleine and Simon, whose wide-eyed wonder at the next bend in the river or trail taught me the true importance of intergenerational equity in the provision of public lands.

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## CHAPTER 1

### INTRODUCTION

The Valles Caldera National Preserve, created in 2000, is not managed by a traditional federal agency. Instead, it is operated as a public trust and governed by a nine-member board. Two of the nine members are the supervisor and superintendent of the neighboring national forest and national monument, but the other seven are appointed by the president of the U.S. in consultation with the New Mexico congressional delegation. As mandated by law, five of the appointees must be from New Mexico, and each must have a specific expertise or represent an organization interested in the land and its resources. Additionally, the trust is to be financially self-sufficient by 2015, raising the funds necessary to carry out its multipurpose mission.

The experimental institutional features of the Valles Caldera National Preserve represent a bid to circumvent much of the stalemate, gridlock, and litigation facing federal public lands, as well as an effort to enhance responsiveness to various stakeholder groups. The arrangement raises questions regarding the optimal mix of political and expert decision-making, the appropriate role of citizen input and participation, and accountability to national and local interests.

This research examines whether the unique management structure for Valles Caldera leads to a higher level of responsiveness to important stakeholders than typically found under the usual bureaucratic approach such as that of the National Park Service or the U.S. Forest Service. The research design is built on a qualitative case study. Data

sources consist of interviews, documents, and direct observations. Interview subjects include Preserve trustees and staff members, as well as external actors. The cluster of unique institutional features characteristic of the Valles Caldera administrative structure taken together comprises the independent variable, and a series of dependent variables intended to measure political responsiveness are conceptualized and evaluated.

In general, evidence on the extent to which the Valles Caldera experiment enhances responsiveness is mixed. Many of the policies and procedures of the Preserve promote citizen trust and create a positive view of the role of public lands management in the U.S. However, many others, including less than transparent decision-making, inadequate communications, and a lack of opportunities for meaningful citizen engagement, leave stakeholders feeling disenfranchised. As a result, there are factors working for and against enhanced responsiveness. However, most of the shortcomings are associated with problems common to the creation of new organizations and the implementation of new procedures and programs, rather than being intrinsic to the experimental model itself. This research concludes with a discussion of theoretical and policy implications, as well as advice for the Valles Caldera Trust, the President, and the New Mexico Congressional Delegation.

### Background

Late in the Clinton presidential administration, the federal government purchased the 95,000-acre private Baca Ranch in northern New Mexico. Instead of creating a new and traditionally-administered unit of the National Park Service or U.S. Forest Service, the Valles Caldera Preservation Act created the Valles Caldera National Preserve. Even

though administratively attached to the Forest Service, the Preserve is governed and managed by a nine-member board of trustees. Seven of the board members are appointed by the President of the United States; the remaining two serve on the board by virtue of their positions as National Park Service superintendent and U.S. Forest Service supervisor of the neighboring national monument and national forest respectively. The enacting legislation places various unique requirements and responsibilities on the public trust and Valles Caldera National Preserve, creating a new and unique way of managing federal public land.

Multi-use missions are nothing new for our nation's public lands, and administrators with the Forest and Park Services, among others, have struggled to strike a balance among competing interests. The Valles Caldera Preservation Act and the resulting Valles Caldera Trust arrangement strive for better balance and enhanced responsiveness to various interests in three very innovative ways. First, none of the seven appointed Trust members can be employees of the federal government, and at least five must be residents of New Mexico; this is an obvious bid to enhance local representation. Second, each of the seven appointed trustees must have specific expertise or represent an organization with an interest in the land and its resources; in this way important stakeholder interests are represented by the Trust. And third, the Valles Caldera Trust must be economically self-sufficient by 2015, creating the need for fiscal accountability. These three factors make the Valles Caldera National Preserve a unique, grand experiment in national public lands management.

State land grants predate the U.S. Constitution, when the General Land Ordinance of 1785 transferred federal lands from the states to benefit local schools. Land trust is an

appropriate label for such holdings, as a clear fiduciary relationship is established between the trustee, usually a state government agency or bureau, and the beneficiary, the schools. Today twenty-three state governments, mostly in the west, hold 447 million acres in public trust (Western States Land Commissioners Association 2006). The trusts share four characteristics: clarity, accountability, enforceability and perpetuity. The first principle is clarity of goal: the trustee is obligated to manage trust resources for the benefit of the beneficiary. Accountability requires the trustee to keep accurate records of all financial and resource decisions and activities, and to provide this information to the beneficiary. The primary management goals are enforceable because the beneficiary has the support of common law, statutes, and judicial experience to ensure terms of the trust are followed. A final requirement is for the trustee to preserve the productive capacity of the trust in perpetuity; this is often referred to as sustainable use (Souder and Fairfax 1996).

State approaches to managing public trusts vary in institutional arrangement. Some, but not all, have a board of directors overseeing the state land office. Board members may be elected, appointed by the Governor, or a combination of both. In five states there is no board of trustees; however, a state lands commissioner is directly elected by the citizenry. In other states, either the governor or the board appoints an agency director, the chief executive of the public trust lands. The state land offices employ professional staffs of various sizes to carry out the day-to-day responsibilities of managing the resources in an attempt to balance economic risk and achieve a high rate of financial return (Souder and Fairfax 1996). Local and regional governments also hold lands in public trust, often managed under a similar government corporation model with a

board of trustees and executive director accountable to the citizens as beneficiaries. As many as thirteen thousand local and regional land trusts manage more than six million acres of open space in the United States (Yablonski 2004, 4). And like the traditional land bureaucracies at the federal level, these trusts are subject to increased attention from beneficiaries, including environmental and recreational interests. Such issues as use of water and other resources found within a trust, appropriate commercial activities, and balancing economic development with preservation and conservation, are increasingly controversial.

This is the first time that a public trust arrangement is being employed on such a large scale at the federal level. The Valles Caldera Trust management scheme is much different than the traditional national forest and park bureaucracies, which are not required to be self-sufficient. Additionally, although a typical national park or forest, in today's environment, may employ various experts and specialists with a variety of backgrounds and interests, the "mandated representation" which occurs with Valles Caldera is not required. Indeed, many National Park and Forest Service decisions are centrally made, either in Washington, in regional offices, or by a few high-level federal administrators.

The Valles Caldera experiment is an attempt to achieve a high level of responsiveness and accountability to the various stakeholders connected to this public land. Through the Valles Caldera Preservation Act and an innovative management arrangement, the Congress and the President were hoping to achieve satisfaction with both the process and outcome of policy development and implementation among those interested in the success of the Preserve.

## The Purpose of this Research

This dissertation focuses on responsiveness of the Valles Caldera National Preserve and Trust. The research examines whether the unique management arrangement created by the Valles Caldera Preservation Act leads to a higher level of responsiveness to various stakeholders, more than under a typical bureaucratic approach, and especially to those who are specifically represented by the various trustees. The research design is a qualitative case study; I examined various units, such as the trustees, professional Preserve staff, and multiple stakeholders. I collected evidence through interviews, documents and direct observations. Ultimately, I have answered several important questions, including: 1) Are the Preserve and Trust working in the way they were designed? 2) Do various stakeholders express satisfaction with the process and outcomes? Do they feel that the Trust is responsive to their needs? and 3) Is this an effective arrangement for achieving a high level of responsiveness to the various stakeholders?

In order to answer these questions, I examined the visual signs of responsiveness. For example, did a particular policy, as espoused by various stakeholders at public hearings, make it into the Valles Caldera management plan? Why or why not? And if not, was an alternative policy implemented? Are the original proponents satisfied that their ideas were either included or that the Trust satisfactorily explained the exclusion?

The central question throughout this research is whether or not this trust arrangement for a national public land leads to a high level of responsiveness. The primary goal of Congress and the President in creating the Preservation Act was to achieve such responsiveness. This dissertation provides a useful examination of whether

that goal is being met. The research also has implications for other locations where the model may be adopted, such as new lands brought into national public ownership or existing lands converted from traditional agency management to public trust management. The results will advance our understanding of responsiveness and accountability in the context of public lands management, and also for the world of public administration more generally.

### Responsiveness, Accountability, and Public Lands Management

Two important concepts are central to understanding the role of public administration in a democratic society: responsiveness and accountability.

Responsiveness is the extent to which the desires, values and needs of the public are incorporated into a public policy or implemented into a public program. Accountability is the obligation or “answerability” government owes the public, often traced as a line from the career bureaucrat through the elected official to the citizens. It is impossible to discuss other issues, such as the best mix of political and expert (or bureaucrat) decision-making, the appropriate loci of decision-making, and the role of citizens in policymaking and implementation, without considering these intrinsic values. The two concepts are integral to any discourse concerning public lands and natural resource management.

### *Concerning Responsiveness and Public Administration*

Responsiveness as a concept and a worthwhile goal is nothing new for bureaucracy or public administration, but rather can be considered one of the enduring questions of the field. James Q. Wilson (1967) describes a schizophrenic public service.

On one hand, we expect the bureaucracy to be highly responsible, to follow strict rules and procedures. On the other, we expect the bureaucracy to be highly responsive, to adapt to unique situations, to solve social problems, and to fulfill citizen needs.

Kenneth Meier (1993) expresses concern over administrative power because the bureaucracy is subject to many of the same pressures as those in elected office. Further, administrators are less open to public view than are elected officials. Therefore, scholars and practitioners seek to control the bureaucracy through two standards: responsiveness and competence. Competency leads to the bureau doing the best technically-feasible job. Responsiveness means the bureau incorporates public needs into its administrative activities. Often these two standards are in conflict, but the public has come to expect both. Bertelli and Lynn (2006) describe this dilemma as “neutrality versus responsiveness” (110-111), and suggest a principal-agent model in which managers at the highest levels are political appointees, responsive to the chief executive. These political appointees in turn use internal incentives and job design as political control mechanisms.

Of course the idea of a responsive bureaucracy begs all sorts of questions, such as to whom should bureaucrats be responsive? There are many different groups vying for the attention of public managers. Chief among these are political institutions such as the three branches of government (Meier 1993). The President, as the chief executive officer, is the principle to the federal bureaucracy’s agent. Congress, through both legislative empowerment and prohibition, demands responsiveness of the bureaucracy. And the courts have become increasingly interested in bureaucratic responsiveness to the nation’s laws. A related question is how the bureaucracy approaches these demands from political institutions for responsiveness. Is it subordinate to these institutions, responding

to achieve the various goals and mandates? Or does it look to circumvent these authorities in pursuit of other goals? Further, how does the bureaucracy balance conflicting mandates from various political institutions? And will bureaucrats, as Rohr (1989) suggests, be responsive to the Constitution and the law above all else?

Meier (1993) also suggests that bureaucrats should be directly responsive to the public. There is always a question of how best to define the public. It is often difficult to consider the entire citizenry as there is often a diversity of opinions and needs. Is it simply those who are interested? And what about the underrepresented public? Is it the responsibility of bureaucrats to reach out to those left out? Of course a danger lies in responsiveness to narrow interests or those simply better resourced than others. On the other hand, responsiveness to the disenfranchised will bring protests from those who regularly have the attention of the bureau. Finally, the focus and degree of responsiveness can always breed discontentment if for example a citizen's or group's desires are heard but not incorporated into an administrative action.

A further complication is the danger of circumventing democratically elected authority to respond directly to the citizens. One could begin to wonder about the purpose of legislative bodies, the courts, and chief executives under such a scenario. But as early as 1952, Norton Long argued that the bureaucracy is more accessible and responsive to the needs and desires of the general public than is Congress. He further predicted that political discretion among careerists would continue to rise, and that the bureaucracy can be a vital part of a constitutional democracy. Several notable scholars have endorsed the view that the bureaucracy can be democratic and responsive to public interests if the personnel in the bureaucracy reflect the public served in such

characteristics as race, ethnicity, and gender (Rourke 1978, Seldon 1997). Again, bureaucratic responsiveness—to whom and to what degree—is a continuing question in a democratic society.

Denhardt (2004) describes “a new role for public officials, both elected and appointed, a role in which they are intimately involved in understanding citizens’ needs and interests and in finding ways to address community problems” (108). In fact, there were several calls in the second half of the last century for bureaucrats to assume a special role, one more responsive to the needs of the people. New Public Administration, Refounding, and other movements of this time period are good examples. But perhaps the catalyst was Theodore Lowi (1979), who wrote widely about interest group politics. Lowi states that pluralism is attractive theoretically, but does not work in reality. Instead of the cracks and entry points in the political system being open to everyone, they are controlled by a very few, specialized interests. This causes a withering, or atrophy, of our electoral institutions, not least of which is the U.S. Congress. Additionally, it creates a system of privilege in which the well-resourced or connected have a voice over other citizens. Finally, such a reality leads to an “expert over amateur” mentality. If pluralism is defined as access by everyone, including the disadvantaged, it does not work according to Lowi.

New Public Administration grew out of such crises as racial tensions and the Vietnam War. The scholars who gathered at Minnowbrook were concerned that “old” public administration had become irrelevant. They presented a rather straightforward argument. First of all, pluralism does not work (according to the same arguments presented by Lowi). Furthermore, the public administrator is not neutrally competent

(nor should he or she be); instead, he or she brings personal values to the workplace. Therefore, administrators should fight for the most important value of all: equity.

H. George Frederickson (1980) is a well-known representative of the New Public Administration scholars. He states that public administration should be more prescriptive, more client-oriented, more equity-driven, and timely. However, Frederickson hopes that this new “paradigm” for public administration is no less scientific. He envisions a world in which elected officials speak for the majority and the privileged minority, while the courts and the bureaucracy speak for the disadvantaged. Furthermore, not only should the careerist faithfully enact directives from the executive and legislature, he or she should also participate in policy development and implementation.

Gary Wamsley and his colleagues at Virginia Tech, in *Refounding Public Administration* (Wamsley et al. 1990) also define a special role for the public administrator. They examine the positions of several of the Constitutional founders, and determine that these statesmen were not looking for a separation of powers as much as a blending of them. They feel that the administrator heals a defect in the system, and acts as the bridge between the three branches of government. The agency is “transcendental” in this respect. Rohr, in the same work (Wamsley et al. 1990) suggests that the Constitution is a living word, and the primary goal is to get the bureaucrat to think constitutionally; it follows that ethics and professionalism play important roles in public administering. The administrator is a special citizen and an active participant in the process.

New Public Administration and Refounding are not without their critics. Various scholars of public administration have asked if there is really anything new with New Public Administration. Philip Cooper (Wamsley et al. 1990, 311-313) launches an interesting attack against Refounding. He says that if public administrators are more representative than elected bodies, if they have better managerial and expert skills, and if they can understand public desires better, why even have legislative bodies? Why not declare for the supremacy of the bureaucracy? Kaufman (Wamsley et al. 1990, 313-315) echoes these concerns by asking about the role of democracy in such a scheme. He also suggests that simply stating reality (as the Refounders claim to be doing) is not enough justification for omitting a role for democratic theory. Golembiewski (1991), in review of *Refounding Public Administration*, agrees by worrying about the overzealousness of agency or bureau action, and adds some other questions as well. First, he states that the Refounders do a poor job defining what is wrong with the current system, and therefore cannot possibly offer solutions. Second, he wonders at the lack of direction of how to get from where we are to where we want to be. And if we can't define the problems of where we are, why do we even want to go elsewhere? Despite the criticism, both the New Public Administrationists and the Refounders call for a special role for bureaucrats, one in which careerists are more responsive directly to the people. Such responsiveness requires greater discretion, and perhaps muddies the channels of accountability through elected representatives.

Final insight into responsiveness within the bureaucracy is provided by a framework describing accountability relationships. Barbara Romzek (1996) identifies two intersecting dimensions of accountability: strength and source. These two

dimensions carve out four quadrants, each resulting in a different type of relationship. Strong external accountability is legal accountability. It is represented by constitutional institutions of oversight, such as the congress and judicial branch. At times these have been accused of micromanaging public programs; at others, they offer wide discretion. Strong internal accountability is hierarchical control; it follows the chain-of-command to the chief executive, through the bureaucratic hierarchy, and is relevant to discussions concerning political appointments at the highest levels. Weak internal accountability involves the morals, ethics, and professionalism of the bureaucrats. Weak external accountability is political and pluralistic; it is the many points along the public program path where citizens, interest groups and other stakeholders can effect change.

It is important to note that Romzek is not presenting anything new here. Almost a half century before her work, Charles Gilbert (1959) released a very similar model. He identified internal formal, internal informal, external formal, and external informal administrative responsibilities. It is easy to see how these correspond to the labeling offered by Romzek. However, the innovation Romzek adds is advice for the public manager. First of all, it is important to note that accountability arrangements are always present. A manager must always be aware to whom he or she is accountable. Furthermore, these relationships are changing, and an administrator may find him or herself operating under one arrangement one day, and another the next. They are always overlapping and evolving. One could argue that a bureaucrat has to serve many different masters at once. A combination of the Romzek and Gilbert frameworks appears as Table 1.

Table 1: Framework of accountability and administrative responsibility [adapted from Gilbert (1979) and Romzek (1996)].

		Source of Control	
		Internal	External
Strength/ Formality of Control	Strong/Formal	Hierarchy, presidential controls, political appointments	Legal; congressional and judicial oversight
	Weak/Informal	Professionalism, ethics, morals, representative bureaucracy	Politics, pluralism, public interest, interest groups, clients

Of course accountability and responsibility differ from responsiveness. Still, such a framework is useful in conceptualizing the internal and external institutions and individuals to whom bureaucrats are expected to be responsive. Administrators must consider constitutional institutions, such as the president, congress, and courts, as well as members of the public and professional norms. As Romzek states, administrators must learn to balance the responsiveness demands among these entities, as well as understand that such demands are omnipresent and dynamic in nature.

*Historical Development of Democratic Principles within Public Lands Management*

Evolution of natural resource and public lands management and policy did not occur in a vacuum. The same “paradigm shifts” or reforms affecting the world of public administration as a whole also create profound changes and challenges within the public lands agencies, such as the U.S. Forest Service, National Park Service, Bureau of Land Management, and Fish and Wildlife Service. All of these bureaucratic units struggle with issues of responsiveness and accountability.

The U.S. Forest Service and the National Park Service were born during the height of the Progressive era. The frontier economy and settlement of the west gradually gave way to a conservation era as the country began to witness a depletion of resources. Near the beginning of the twentieth century, many elites began stressing that science would lead to the “one best way” of protecting our environment, and especially our natural resources. The leaders of the period did not advocate locking up the resources, but rather that well thought-out and planned methods could be applied by a neutral, competent, and trained workforce to best determine management strategies for the present and future (Caulfield 1989, 20-21).

Gifford Pinchot is perhaps the greatest spokesman for this period. He served as the first director of the Forest Service, and one of his initial goals was to isolate the Service from political influence. He strived to build a professional civil service, almost entirely trained as foresters (and almost entirely composed of white males). Pinchot bought into the politics-administration dichotomy that was central to the early thought on public administration. Pinchot argued that the rangers under his command were best positioned to competently and neutrally implement the mandate provided to the U.S. Forest Service by Congress (Wamsley 1990).

In the period after the American Civil War and leading up to the turn of the century, there was much evidence of political corruption, especially in big cities such as New York and Chicago. Employment was often granted according to political affiliation, fear and intimidation were used to secure power, and bribery was rampant. Many scholars posited that the best method for eliminating these problems was to eliminate the world of politics from administration, to separate the two fields. In other words, elected

officials should leave the administering to the careerists, and administrators should ignore political influences. In many ways, that appears to be part of what Woodrow Wilson (1887) was saying in his now famous essay, “The Study of Administration.” However, Van Riper (1997) states that Wilson’s 1887 offering did not become influential until many years later, after World War II. By this time many important authors were already questioning the politics-administration dichotomy. Van Riper also adds the dichotomy was not of real importance to the world of practice, and that the more appropriate focus is a separation of powers.

However, a period of orthodoxy existed at the beginning of the twentieth century. Goodnow (1900) suggested that it was difficult to separate the two spheres of politics and public administration, but that every effort should be made to do so. Both scholars and practitioners focused on the bottom line: improved efficiency through better science. The rule of the day was that public administration and management was scientific, and a “one best way” could be found to achieve the organization’s goals. The Progressives were in search of a neutrally competent workforce which would not consider values when implementing mandates. These ideas continued to support the dichotomy, as the elected bodies would deliberate and enact the laws in the best interest of the people, and then get out of the way to allow the administrators to apply scientific principles.

It is only fair to question whether or not a politics-administration dichotomy existed during this period of orthodoxy, or even if a dichotomy is what Wilson or Goodnow had in mind. In his piece entitled “Coming Apart in Public Administration,” Schick (1973) argues that the Wilson never intended for there to be a separation of the two spheres in practice. Instead, what he and others were in search of was a scholarly

framework for studying the world of administration. Scholars of the period were chasing ideals of rationalism and scientific management, and the dichotomy helped them understand these concepts aside from the influence of politics. Waldo (1948) supports this claim, and states that those writing about the dichotomy were not asking for a “hermetic seal” between the two, but rather greater cooperation and understanding of the relationship. But in any case, it is not possible to talk about “scientific” paradigms of the field without starting with the dichotomy, the period of orthodoxy, and the Progressive era.

The importance of the politics-administration dichotomy was beginning to erode by the Second World War. Schick (1973) says the dichotomy did not fail because it was proven to not work or not exist, but rather that it was shown to conflict with our pluralistic society. In other words, the neutrally competent, yet independent career civil servant was seen to exist outside the realm of influence. He or she was neither accountable directly to the people, nor indirectly through elected representatives. And this made students of democracy uncomfortable.

Two important scholars in the late 1940s hastened the dichotomy’s demise as well. The first was Herbert Simon, whose influential *Administrative Behavior* was published in 1947. Simon agrees that public administration scholars and practitioners should be striving for scientific management. However, he also says that the Progressives were chasing the wrong science: that rationality or finding the one best method is impossible, at least for individuals. His famous concept of bounded rationality or “satisficing” states that it is impossible for the human to rationally understand all of the factors and outcomes in something as complicated as public programs. He did agree

that one should start with a model of individual decision-making, but then aggregate within the organization. As functional units within the organization learn from their mistakes, they are better able to adapt and perform. These functional units then became highly specialized at solving particular types of problems. Therefore the most difficult governance challenges can be broken up into pieces matching the functional units within the organization; something approaching rationality can be reached through aggregation.

Dwight Waldo is the second major author to help end the period of orthodoxy. Waldo, in *The Administrative State* (1948), brings the concept of democratic theory to the forefront. He questions the role of democracy as compared to efficiency. How did democratic theory apply to the world of administration? Where was the oversight and political accountability? Under the politics-administration dichotomy, democratic principles are not important because administrators are simply and neutrally executing the will of the people by managing public programs enacted by legislative bodies. But if this was no longer the case—if the spheres of politics and administration did indeed overlap in a pluralist way—then attention has to be turned to the role of democracy in public administration. Paralleling these ideas is the need to understand the role of other values in addition to efficiency, such as liberty, freedom, equity and human dignity.

The end of orthodoxy ushered in the period of pluralistic administration. This period is characterized by benign politics, in which scholars recognized the influence of politics in the world of administration, but not any related harmful effect. In fact, students of public administration welcomed this benign politics, as it gave a chance to examine pluralism and its role and effects on the bureaucracy. Issues such as accountability, responsibility, and responsiveness now moved to the forefront as

democratic theory became important. In fact, Bingham and Bower (1994), who examine topics found in *Public Administration Review* over its lifetime, find this as an important period in which many of the works focus on democracy.

As Simon, Waldo and others were ushering out the period of orthodoxy and the politics-administration dichotomy, so too were the public lands agencies experiencing change, from that of Pinchot's conservation to a period of preservation. The agenda was still dominated by elites, but a power shift from governmental to nongovernmental authority had begun to occur. As a middle class developed, more citizens found themselves with disposable income and leisure time. Many joined national environmental groups, such as the Sierra Club and Nature Conservancy, and demanded areas for outdoor activities. The advocacy groups also claimed that scientific management was not working, and instead pushed for preservation of national treasures, set aside in reserves. They also demanded greater accountability and responsiveness from both their elected officials and their public managers. The national park and monument system saw its greatest growth during this era, and served as an example of a new course for natural resource policy and management (Schnaiberg 1980, 386).

The 1960's witnessed yet another step in the development of the modern environmental era. Such works as Rachel Carson's *Silent Spring* (1962) and Paul Ehrlich's *The Population Bomb* (1968) began to raise awareness of environmental challenges and natural resource depletion among the general population. If the conservation and preservation movements were elite controlled, the environmental era was more about the inclusion of all citizens, regardless of income, education, location, or race. During the period NIMBY ("not in my back yard") became a buzzword, and lower

income groups, which often bore the brunt of environmental degradation, began to organize and demand certain rights such as participation in the process of siting heavy-polluting industries and public landfills (Lester 1998, 32).

The environmental era gave way to the contemporary period, with a new focus on long-term and system-wide policies, in the 1990s. In this modern natural resources policy world, action is done more through networks, and through networks of networks. More importantly, the contemporary era has witnessed a greater involvement of the public in environmental management and policy; much of the recent legislation affecting such agencies as the National Park Service and U.S. Forest Service requires public participation. This participation has caused the policy and management processes to be much more pluralist; individuals and organizations are involved at all stages of the policy process (Nelson 1999).

A trend in natural resource and public lands politics and policy over the last century is clear. Concerned stakeholders (both individuals and advocacy groups) have grown in number as well as diversification. There has been an evolution from elite domination, to pluralism, to more recently the development of advocacy coalitions. Rising education levels, access to information, and new and innovative protest techniques have made it virtually impossible to exclude the general public from the policymaking and implementation processes (Freudenberg and Steinsapir 1992). The effect of this trend is also clear: increased participation creates increased challenges for responsiveness and accountability.

### *The Forest Service as Illustrative Example*

The U.S. Forest Service offers an excellent case study of the changing nature of public participation and responsiveness relationships. Herbert Kaufman, in 1960, published *The Forest Ranger*, a study of the agency in the 1950s. The central question posed by Kaufman was how the Forest Service overcame a multitude of “centrifugal forces,” such as communication over distance, behavioral norms, capture by local populations, variations in settings, personal preferences of field rangers, and an ideology of decentralization. The author continues to describe a variety of methods employed by the agency not only to accomplish the stated administrative goals, but also to reinforce a culture of “voluntary conformity.” The entire focus of the hierarchy was on maintaining compliance and conformity while constantly improving the efficiency and economy of Forest Service operations. As Kaufman (1960) states, two things are quite clear: “One is that the centrifugal tendencies confronting the leadership of the Forest Service have been vanquished. The other is that the conscious and deliberate strategies of the leaders, though aided by fortuitous factors, are largely responsible for the victory. This much, at least, is unequivocal” (231).

However, the world of public lands management has changed greatly from the 1950s. Natural resource management legislation, citizen participation, and changing social conditions have made the multiple-use mission of the Forest Service more complex and opened up the closed system described by Kaufman. To be fair, many of Kaufman’s centrifugal forces—such as the variety of settings experienced by far-flung forest rangers—involve external factors; however, the author concentrated on the internal dimensions of a much simpler, centralized system. Any study of the agency in 2006

cannot only focus on the internal workings of the organization but also must pay attention to the external political and economic forces, and the environment that shapes the organization and the actions of its members. Frontline rangers can no longer simply respond to the hierarchy of the organization, but must also interact with members of the local community. In many ways, public land managers have seen a transition in role from that of expert (revered by the public) to that of servant (to citizens, especially to those proximate to the park or forest) (Tipple and Wellman 1991). Additionally, forest personnel must have stronger skills in small group facilitation, negotiation, and dispute resolution (Tipple and Wellman 1989).

Internally, natural resource agencies, such as the Forest Service and the National Park Service, have undergone changes since Kaufman's study. The quest for greater responsiveness and representation, which mirrors these changes in social conditions, is evidenced by workforce initiatives underway. The professional diversification (interpretive rangers, management specialists, recreation specialists, wildlife biologists, ecologists, etc.), together with the hiring of more women and minorities, demonstrates the desire to be more representative of the populace as a whole. Now the challenge for administrators is to realize the world is no longer as simple as carrying out public policy in an organizational context where the authority and power flows down in a clear, linear fashion.

This is not to say the traditional principles of political control—the executive, congress, and the courts—have ceased to demand responsiveness and accountability from the public lands bureaucracies. When the Clinton administration removed F. Dale Robertson in 1993 from his position as chief of the U.S. Forest Service, and appointed

Jack Ward Thomas, a spotted owl expert, it touched off much debate concerning politicization of the Forest Service; many wondered if the President was shading the Pacific Northwest logging controversy in favor of the conservationists. As Vandlik (1995) states, “The Forest Service is simply not accustomed to any level of electoral responsiveness that manifests itself in personnel changes” (288).

The 1976 National Forest Management Act requires greater public participation in national forest planning. Steelman (2001) examines public participation in a successful national forest planning effort for elements of both elite (or expert) and participatory decision-making. Not surprisingly, she finds that there are both benefits and detriments of each of these loci of decision-making. Interestingly, she finds that elements of both are present, in different ratios, at each of the stages of the planning process. Also, the process is iterative, and participation by the public results in greater responsiveness to the general will. The process balances technical and value dimensions, and both groups appreciate and inform each other:

...the [Monongahela National Forest (MNF)] planning process was successful because the MNF staff and participant publics were able to appreciate both the technical aspects that were needed to provide sound forest management, as well as the societal values that needed to be integrated for the plan to be implemented and accepted by the public at large. (Steelman 2001, 85-86)

In any case, the emphasis on efficiency and economy (Progressive era) has now shifted to one on accountability and responsiveness (contemporary era); this is not an either-or situation, but rather one in which today’s natural resource administrator must

learn to balance the two. Issues of accountability and responsibility, responsiveness and discretion continue to drive discussion concerning the bureaucratic units responsible for our national parks and forests. Public lands remain under the strong influence of politics, and today the operative words used to describe public-lands management are gridlock and polarization. Additionally, decisions affecting the future of these lands are heavily value-laden, and cannot be resolved by the Progressives' science. In other words, science may provide technical information about the possible impacts of various proposed policies or feedback on the outcomes of implemented actions. However, science is less equipped to evaluate tradeoffs resulting from various goals and uses dictated by different and competing stakeholder groups. Scientific management and expert opinion must often be tempered and balanced with differing public views. Environmental protection and sustainable use are goals shared by many experts and various publics; problems occur when simply defining these terms or developing pathways to achieving them.

### *The Responsiveness Challenge in National Public Lands*

Valles Caldera National Preserve is unique in an important way: until recently it resided in the private domain. The owners had no need to respond to the concerns and needs of citizens living at its borders or congressmen and bureaucrats working in Washington. Stories abound of local residents sneaking over fences to experience the majesty of the place; however the public was virtually excluded from the almost one hundred thousand acres for nearly one hundred fifty years. The experimental management arrangement in Valles Caldera and resulting level of responsiveness is not of much interest if compared to when it was under private ownership; rather it is

interesting to examine responsiveness in light of other national parks, forests and public areas.

The world of natural resource and environmental management is often criticized for a lack of accountability and responsiveness to stakeholders, especially everyday citizens. None of the federal public lands agencies, such as the National Park Service and the U.S. Forest Service, has been immune from such criticism. Crafting management plans that satisfy the many constituencies served by the national forests, for example, has proven a contentious task; the desire to incorporate public values and needs into forest planning exists, but there are no good mechanisms for doing so (Steelman and Maguire 1999). There have been efforts over time—by Congress, nonprofit organizations, state and local authorities, and even employees of the land management bureaucracies themselves—to increase responsiveness to concerned citizens.

One of the primary criticisms, especially in the west, has to do with Washington bureaucrats making decisions and setting policy remotely, with little attention given to local needs or desires. Often local residents (and even local public land managers) complain that Washington develops “one-size-fits-all” strategies that do not take into account regional variations. The central theme in Kaufman’s (1960) *The Forest Ranger* describes this idea of hierarchical and centralized control. Modern era developments, such as the “Revolt in the West” and the “County Supremacy Movement” (for example, see Larson 1995), likewise demonstrate the backlash to Washington’s influence.

Nelson (1999) is one scholar arguing for greater decentralization of power within our federal natural resource agencies. Decentralization allows for greater pluralism, which can reflect a greater diversity of values, including those present in the local

communities surrounding a specific park or forest. Nelson maintains, "...the West will not thrive until it has much greater freedom to manage its lands in the way it deems most appropriate and is much less subject to second guessing by politicians back in Washington" (69). He adds three possibilities to improve responsiveness: 1) grant more power to the regional and local field offices of existing federal management agencies; 2) create public lands corporations, or trusts; and 3) devolve power to state and local governments (70-71).

In contrast to this third possibility, Krannich and Smith (1998), through the application of survey research, find that dissatisfaction with existing management structures and priorities does not translate into support for transfer of authority to local government. Instead, they find substantial support for increased collaboration between local interests and the federal land management agencies: "On balance, the search for effective and acceptable solutions to the current impasse over public land management will likely require the development of new institutional structures that provide for shared management responsibilities and co-management opportunities involving a broadened coalition of federal, state, and local interests" (690).

Many scholars and practitioners point to a second responsiveness criticism: the stalemate, gridlock and litigation which often shut down our national public land areas. At the same time, there are examples of local communities, for the sake of nothing less than economic livelihood and continued existence, which have collaborated to craft solutions acceptable to all stakeholders. The classic example is logging in the Pacific Northwest; disagreements between loggers and environmentalists in Quincy, California,

led to the creation of the “Quincy Library Group” (named for the library in which they could civilly discuss and implement compromises) (Kiester 1999).

Klyza (1996) argues that four basic ideas have dominated public lands policy: economic liberalism, technocratic utilitarianism, preservationism, and interest-group liberalism. He emphasizes that this framework of ideas is inadequate, as it has led to a gridlock of pluralist politics and fundamental change is needed. The author does not offer detailed solutions to this problem, only some possibilities, such as increased state control over environmental and natural resources, or adopting a corporatist model for environmental policymaking. In contrast, Weber (2003) has specific recommendations for creating what he labels “grassroots environmental management” as a way to avoid the characteristic stalemate and gridlock. For instance, he suggests a collaborative, nonhierarchical institutional structure, institutional processes which include joint deliberation and consensus-building, norms of inclusiveness and civility, committed leadership, and an ecosystem management approach. Weber strives for a greater, direct role for communities in land and resource management as a way to increase responsiveness and accountability to local needs (while not sacrificing “national accountability”).

A third criticism detailing a lack of responsiveness involves the multipurpose missions of federal land agencies, such as the U.S. Forest Service. Such missions are often unbalanced or controlled by special interests. According to Samson and Knopf, “These agencies are in varying stages of crisis because of unclear or contradictory agency missions, internal bureaucratic malfunctions, and overall lack of responsiveness—on the part of Congress and the public, as well as the agencies—in meeting the foreseeable

demands of the 21<sup>st</sup> century” (2001). The authors maintain a new paradigm and structures are needed to position the federal agencies as partners and facilitators, rather than regulators.

Sabatier (1995) has applied his advocacy-coalition framework to the U.S. Forest Service and found a long-standing struggle among three coalitions: scientific management, commodity, and amenity. The scientific management coalition is founded on the Progressives’ idea that a technically-trained, neutrally-competent bureaucracy can apply scientific principles to manage our national forest resources in the most efficient and sustainable manner. The commodity coalition stresses maximum utilization of the natural resources, and consists of those from within the Forest Service seeking to maximize agency budgets, and those from without seeking to maximize private profits. Finally, the amenity coalition—which has gained strength over the past few decades through court cases, with the advent of the National Environmental Policy and Endangered Species Acts, and because of diversification of the Forest Service workforce—seeks to maximize recreational activities and conserve the natural resources. According to Sabatier’s study, Forest Service officials perceive environmental groups to be only roughly as influential as commodity groups and less influential than the Forest Service hierarchy. Hirt (1994) supports this claim by identifying the five most rewarded values within the Forest Service: loyalty to the agency, meeting commodity targets, promoting the agency’s image, following rules, and teamwork. Further, forest managers have failed to pursue the mandated mix of goals, and environmental groups initially caused the Forest Service to more tightly embrace the “Timber Triangle,” a coalition of

Congress, industry and local communities seeking to utilize—some would say over-utilize—forest resources.

The struggle to find the appropriate loci of decision- and policymaking comprises a fourth criticism concerning a lack of responsiveness. Steelman (2001) discusses the calls for a balance between elite and participatory decision-making within the U.S. Forest Service. A need for participation has developed within the agency, and Steelman equates such participation with responsiveness to the general will. Many national forest planning processes have been criticized on grounds that they were top-down, elite driven, and failed to provide adequate or substantive means of participation. “The goal should be to structure a decision such that the knowledge from the citizen participants informs the technical elite. In different scenarios, it is reasonable to expect that different balances between elite and citizen input will be struck” (86). Freemuth (1989) reaches a similar conclusion examining a different federal agency, the National Park Service. He prescribes a politically accountable rather than professionally accountable possibility: the Park Service is not the expert but rather responsive and representative.

Public participants express concern with entrée to the process, issues of power, and access to quality information. They state that quality relationships are an important element, and stress the need for agency-led community-building. These arguments have less to do with management practices than with the values people bring to the discussion (Tuler and Webler 1999, Steel 1997). Science is employed more and more effectively to adaptive management of natural resources and public lands, but does little to help weigh various trade-offs which must be made. Evidence abounds demonstrating public

dissatisfaction with management of national public lands. Citizens demand greater accountability, responsiveness and participation.

*Responsiveness in the Context of Valles Caldera National Preserve*

As noted earlier, this research effort focuses on responsiveness. Responsiveness is simply defined as the extent to which the desires and needs of the public, whether as individuals or organizations, are incorporated into the designed and implemented policies of the Valles Caldera Trust. In order for the Trust to be responsive, two steps must be present. First of all, the trustees, through various mechanisms, must create and allow pathways for citizen input. In simple terms, the trustees must listen to the various stakeholder voices.

But, of course, responsiveness requires more than just listening. The Valles Caldera Trust must next consider and utilize the data collected from various stakeholders in its decision-making. It must incorporate those needs and desires into concrete policies and plans for the Preserve. It must also implement those policies and plans. The implementation process should then result in observable changes which at least partially meet the goals of the interested stakeholders.

Responsiveness, however, does not always require direct changes to policies and plans. It is sufficient for the Trust to address concerned stakeholders in a way which adequately explains why a change is unwarranted, undesirable, or impossible. Even though the Trust does not implement change, the trustees may satisfactorily respond to the stakeholder concern or idea. Both the ability and the need to do this is especially important in the politically-charged environment in which the Valles Caldera Trust must

operate; in attempting to balance the multi-purpose mandate of the Preserve, the Trust will often have to respond to conflicting voices. Figure 1 diagrams the necessary components of responsiveness.

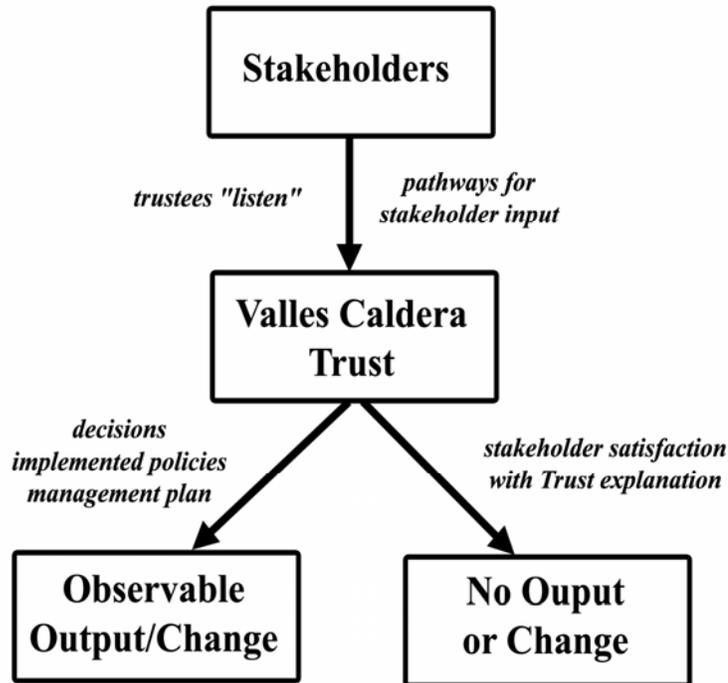


Figure 1: Necessary conditions for responsiveness.

For the purpose of this research, accountability will be defined in terms of responsiveness. However, responsiveness and accountability are not the same. Accountability is the line traced from the elected or career official to the public; it is an obligation or “answerability” to the citizens. According to principal-agent theory, accountability is owed to and demanded by the principal from the agent. In this case, stakeholders (including citizens) are the principals and the Valles Caldera Trust is the

agent. The Trust must be answerable to stakeholders. One way the trustees and professional staff members answer to stakeholders is by being responsive to them; in other words, the Valles Caldera Trust is accountable through its responsiveness.

### Research Questions

This research focuses on responsiveness issues in a new, unique experiment: the Valles Caldera National Preserve. The questions and corresponding answers benefit the larger world of public administration (both theory and practice) by using a case from the public lands management world. First, from a theoretical viewpoint, the research analyzes whether or not responsiveness can be enhanced through nontraditional institutional arrangements, decentralization of authority, and economic incentives. Second, from a practical perspective, the research provides practitioners currently involved with the Valles Caldera National Preserve and those working in or planning similar public lands arrangements with tools for improving the level of responsiveness.

Generally speaking, several key questions are addressed:

1. Does the public trust arrangement (nine-member board of trustees) lead to a high level of responsiveness?
2. Does the “mandated professional representation” (the Valles Caldera Preservation Act requires that each member of the Trust has specific expertise) promote a high level of responsiveness, especially to the various “parallel” stakeholder groups?
3. Does the drive for economic self-sufficiency (as mandated by the Valles Caldera Preservation Act) lead to a high level of responsiveness?
4. Does the local representation on the Trust board (the Valles Caldera Preservation Act requires that five of the trustees be from the state of New Mexico) lead to a high level of responsiveness at the local level? And what does this mean for non-local (national) interests?

5. Relatedly, how is responsiveness to the President and Congress affected? Are there charges of “politicization” through political appointment of trustees? What is the involvement of the New Mexico and other congressional delegations?

The answers to these and similar questions are used to understand if the Valles Caldera National Preserve and Trust are operating as designed, and if that design leads to a high level of responsiveness to and satisfaction among the various stakeholders. Importantly, does that level of responsiveness exceed that found in traditional bureaucracies? Does such an arrangement ameliorate some of the problems discussed above?

### Significance

Examination of this case presents new and unique opportunities. This is the first time a major federal public land has been managed by such a public trust arrangement. The “mandated professional representation” is quite unique. The idea of an economically self-sufficient national land area is also quite unique, and is especially important in the current economic and political climate. Thorough investigation is relevant to the theories of responsiveness and accountability.

Additionally, this research will inform the world of practice. It will demonstrate if it is possible, at least during the short-term, to effectively manage a public land (and a bureaucratic organization) under such an arrangement. The research identifies the important issues, concerns, and levers of action, as well as determines if the Trust employs innovative and effective means for involving the public. Importantly, this examination enumerates lessons learned from the case, such as what works and doesn't

work, and how the major actors would act next time, if given a chance. As our political leaders, such as Representatives Scott McInnis and Tom Udall, call for the Valles Caldera National Preserve model to be employed elsewhere, it becomes increasingly important to understand just what is happening in the Valles Caldera.

Finally, and most importantly, the dissertation adds to the world of theory. The results generalize analytically to theoretical propositions. In contrast to statistical generalization, in which inferences are made about a population or universe (such as all national parks or national forests), these empirical results have important implications for responsiveness theory. This research, therefore, contributes to the ongoing debate on such topics as representative bureaucracy, appropriate loci of decision- and policymaking, and the appropriate mix of expertise and politics. The unique context of Valles Caldera also informs the broader question of responsiveness.

Robert Yin (1994, 147-148) states that for a case study to be exemplary it must be significant. Significant case studies: 1) must present an unusual case and be of general public interest, or 2) must be nationally important (contribute) to the world of theory or practice (or both). This case study does both.

### Organization of the Dissertation

The dissertation continues with a more in-depth description of the case site, Valles Caldera National Preserve, in Chapter 2. Here the history and geography of the area are described, as well as the steps leading to the creation of the Preserve. Additionally, the Valles Caldera Preservation Act is more thoroughly discussed, focusing on those aspects of the law addressing responsiveness and accountability issues. Chapter

3 describes the methodology employed to collect and analyze data in order to answer the central research questions. Importantly, a series of responsiveness “indicator variables” are conceptualized here. The middle chapters of the dissertation describe the challenges to and successes in enhancing responsiveness in Valles Caldera National Preserve. Chapter 4 presents those variables primarily related to institutional structure. Various structural components required by the Valles Caldera Preservation Act or established by the Trust have the potential of enhancing or working against responsiveness. Chapter 5 presents those variables associated with institutional processes and how they enhance or work against responsiveness in the Preserve. Finally, the dissertation concludes with a chapter summarizing the findings, identifying theoretical and policy implications of such public lands management arrangements, offering recommendations to key actors, and discussing limitations of the current research as well as future potential research directions.

## CHAPTER 2

### THE VALLES CALDERA NATIONAL PRESERVE IN DETAIL

On July 25, 2000, President William J. Clinton signed into law Senate Bill 1892, which authorized the acquisition of nearly 95,000 acres in the Jémez Mountains, New Mexico. The President's signature and the establishment of Valles Caldera National Preserve ended a seventy-year attempt to incorporate the area into the federal public lands system. It also ushered in a new experiment in management of federal public lands.

#### A Brief History

The natural, human, and political history of the area now known as the Valles Caldera National Preserve must be considered in order to understand first why it was purchased and brought into federal ownership, and second why this new management arrangement was applied. The following discussion is adopted from various sources (Martin 2003, Valles Caldera National Preserve 2002, Valles Caldera National Preserve 2005d).

One could argue that a most important factor leading to the creation of the Preserve began more than four million years ago; the Jémez Mountain region has seen volcanic activity for at least that long. The renewed volcanic activity 1.22 million years ago spewed 292 cubic kilometers of ash and material, leaving a hollowed-out crater, known as a caldera, surrounded by mountains. "Although by no means the largest of the world's calderas nor the oldest or youngest, the landscape of the preserve is unsurpassed

in the perfection of its expression of the caldera landform. This is one of the many reasons for the preserve's great value for study and education" (Valles Caldera National Preserve 2005d, 18-19).

The landscape has hardly remained unchanged over the more than one million years since this catastrophic event. Continued volcanic activity has pushed up various ranges and peaks, including Redondo Peak, the highest point in the Preserve at 11,254 feet. Water has played a role as well, sometimes filling parts of the caldera as lakes, sometimes flowing as streams, and always depositing rich sediments. Fire events have shaped the region as well. One of the Preserve's greatest assets, its expansive grasslands, is a legacy of these natural events.

Today the Valles Caldera National Preserve is its own watershed. Rivers and streams cross the sprawling grasslands, and are important as a fisheries resource. The grasslands are important not only for the grazing of domestic livestock, but also for a large elk population; elk hunting is a popular and somewhat profitable activity for the Trust. The forests of the Preserve, which were in the past sometimes subject to overlogging and clearcutting, have often grown back with secondary growth different from the original species. However, there are excellent examples of old-growth forests within Preserve boundaries. Many of these natural features inspired efforts to incorporate the area into the national public lands system.

Human and cultural history plays an important role as well. What little is known about the prehistory of the region comes from archeological examinations of numerous sites populating the area. Obsidian fields found in and around the Preserve attracted early hunters and gatherers to the area, as early as approximately 10,000 years ago. A few

small rock shelter sites dating AD 400-1200 indicate an ancestral Pueblo presence. In the thirteenth century, ancestral Pueblo culture of the Four Corners area (where Utah, Arizona, New Mexico and Colorado meet) settled in the foothills of the Jémez Mountains. Some of these peoples discovered the caldera in their migrations, established sacred shrines there, and utilized its rich resources for day-to-day survival. Rock field houses dating from the period 1350-1700 have been found in the lower elevations of the Preserve. In the sixteenth-eighteenth centuries, Spanish settlers, who introduced domestic livestock to the area, and Puebloans used the caldera's grasslands for grazing (Valles Caldera National Preserve 2005d, 39).

The modern history of what was to become the Valles Caldera National Preserve begins in the year 1821, when Mexico gained its independence from Spain. That year, Luís María Cabeza de Baca asked the provincial government for a tract of land at modern-day Las Vegas, New Mexico. Baca and his sons were granted the land in 1826, and they set about building a house and grazing sheep. In 1835, the town of Las Vegas received a land grant, apparently overlapping the territory previously given to Baca and his family. The family protested, but no action was taken by the government at the time.

A dramatic change of authority occurred in 1848 with the treaty of Guadalupe Hidalgo and the conclusion of the Mexican-American War. The treaty called for Mexico to cede 1.36 million square kilometers (525,000 square miles) to the United States in exchange for \$15 million. The cession included the contentious Baca and Las Vegas grants, as well as parts of the modern-day states of Colorado, Arizona, New Mexico, and Wyoming, as well as all of California, Nevada, and Utah. The remaining parts of what

are today the states of Arizona and New Mexico were later ceded under the 1853 Gadsden Purchase (Library of Congress 2005).

In 1855 the heirs of Baca requested that New Mexico Surveyor General William Pelham confirm the family grant. In 1860 Pelham left it to the courts to determine the rights of Baca's descendants and the Las Vegas township by recommending to Congress that both claims be honored. To avoid litigation, the Baca heirs agreed to give up their claim in exchange for an equal amount of land elsewhere in the Southwest. That same year, Las Vegas was determined to be just under 500,000 acres; the Baca descendants were granted permission by the U.S. government to choose up to five parcels of vacant land equal to this area in size. The family and its agents set about choosing five parcels of nearly 100,000 acres each in three western states: two in New Mexico, two in Arizona, and one in Colorado. The five tracts contained some of the best available natural resources in the region, especially rich, abundant grasslands and water resources suitable for large-scale grazing.

In 1876, U.S. surveyors defined "Baca Location No. 1"—site of the modern day Valles Caldera National Preserve in the heart of the Jémez Mountains—at just under 100,000 acres. The title was delivered to the Baca heirs. "The Luís María Cabeza de Baca Land Grant is unique in two ways. It is the only land grant that does not include any of its original acreage, and it is the only grant that is scattered across three states" (Martin 2003, 23). The Bacas and subsequent owners and lessees grazed sheep in the fertile Baca grasslands.

In 1893, Joel Parker Whitney of California demanded partition of the Baca Location No. 1, claiming that he and others acquired a one-third interest from his brother,

who bought the same interest from the widow of Baca's grandson. The Supreme Court of the Territory of New Mexico, finding it impossible to partition Location No. 1, ordered the sale of the grant, with proceeds delivered to forty-six owners. On March 18, 1899, Frank Clancy, Whitney's attorney, bought the Baca Location No. 1 on the Bernalillo County courthouse steps and sold it the same day to Mariana Otero, for whom he was also an attorney. In 1909, Otero sold the Baca Location to the Redondo Development Company, a Pennsylvania firm speculating in New Mexican natural resources, for the sum of \$300,000. Mariano Otero's son, Federico Otero, then leased the grazing rights from the new owners.

New Mexico became the forty-seventh state on January 6, 1912. With the establishment of the U.S. Forest Service and the National Park Service, much land in the Jémez Mountains came under federal control. In 1905, the federal government established the Jémez Forest Reserve, which would later become the Jémez National Forest. The modern day Santa Fe National Forest, which is a significant neighbor of the Valles Caldera National Preserve at 1.6 million acres, was established by combining the Jémez and Pecos National Forests in 1915. Bandelier National Monument, a unit of the National Park Service and also a neighbor to the Valles Caldera, was established in 1916, with the U.S. Forest Service responsible for its early administration.

In 1918 Federico Otero sold his grazing rights to Frank Bond. Eight years later Frank and his brother, George Bond, purchased Baca Location No. 1 from the Redondo Development Company. However, as the company was still interested in the forest resources, they retained all timber rights for the next ninety-nine years. Through the mid 1930s, the timber rights were transferred several times until finally ending up in the

ownership of the New Mexico Timber Company. The Civilian Conservation Corps built a road in 1935 through the Valle Grande, the centerpiece and largest meadow of Location No. 1; suddenly previously hard to access forest stands became more profitable, and the New Mexico Timber Company began logging operations. Also in the 1930s the National Park Service recognized that the surrounding Jémez Mountains, and especially the Baca Location No. 1, had special public value. In 1932 The U.S. Forest Service turned over control of Bandelier National Monument to the National Park Service. Now a lengthy debate, based upon the relative mission of the two agencies, raged over whether the Baca and surrounding areas would best be incorporated as national park or forest. The controversy resulted simply in inaction.

The 1940s and 50s witnessed expansion of resource utilization in the Baca Ranch, as it came to be called. Logging continued, and cattle grazing was introduced as sheep were gradually phased out. About forty-nine head of elk from the Yellowstone area, naturally-occurring in the past but no longer found in the Jémez Mountains, were reintroduced about ten miles west of the Baca Location in 1947. Another fifty-eight were released near the southeast corner in the mid 1960s. In 1959 the first exploration well was drilled in the Baca Location to search for oil and natural gas. Instead steam was discovered, catalyzing interest in the geothermal energy potential of the area which continues to this day. Frank Bond died in 1945, leaving control of the Ranch in the hands of his family.

In the early 1960s, Ethel Bond Huffman, Frank Bond's widow, indicated her willingness to sell the Baca Ranch. In 1962-63, the Park Service and the Forest Service competed to purchase the property, and various legislative proposals stalled in Congress.

Again, the main issue concerned which agency would be in charge of administering the area; the two agencies and their respective public support bases disagreed on how best to manage the Jémez Mountains region. Compromise was achieved late in the process by then Secretary of the Interior, Stewart Udall, whereby the National Park Service would manage the southeastern quarter of the Ranch, and the Forest Service would manage the remainder. However, the effort was interrupted when James P. Dunigan, an oil tycoon, purchased the property for \$2.5 million in 1962 (Valles Caldera National Preserve 2002).

Dunigan continued operating the Baca as a working ranch, and developed new activities as well. One hundred eighty-five acres were sold to the Los Alamos Ski Club, and a geothermal lease was issued to a private company, which drilled about forty wells in the next few years. Dunigan also sold a little more than three thousand acres to the U.S. government, which were incorporated into the Bandelier Monument. Dunigan also was a conservationist of sorts, and reduced the number of cattle grazing the property. In 1964 he sued the New Mexico Timber Company for damages for wasteful logging practices and timber cut in violation of legal agreements. Finally, in 1971, Dunigan purchased all logging rights and immediately ceased all logging activities on the Ranch. “Over the eight-year battle over the timber operations on the ranch, [James P.] Dunigan had proved himself a capable and responsible steward of the landscape, both willing and able to back up his words with money and action” (Martin 2003, 94).

In the late 1970s, Dunigan began discussions with several federal agencies (Forest Service, Park Service, Fish and Wildlife Service) regarding the sale of the property, and each agency prepared reports regarding the property’s importance and how it could be

managed. James Dunigan's death in 1980 once again interrupted attempts to make the Baca Ranch public.

The next twenty years witnessed additional, short episodic attempts to acquire the land. In 1987, a local group named "Save the Jémez" proposed a greater role for the National Park Service in the core of the mountains, including acquisition of the Baca. Opposition groups interested in more consumptive uses, such as logging and grazing, mobilized. At the same time, Dunigan's family maintained the Ranch was not for sale. Next, in 1991-93, an effort to create the Jémez National Recreation Area near the Ranch also failed; the 102<sup>nd</sup> Congress concluded business and the legislation died.

In 1997 Andrew and Michael Dunigan focused Washington's attention on the Baca once more by visiting with the U.S. Forest Service there. Because federal law requires Congressional legislation to purchase land in New Mexico and Arizona, Forest Service officials pointed the brothers to the New Mexico congressional delegation. They visited with Senators Pete Domenici and Jeff Bingaman, but failed to gain the wholehearted support of the former. "The prevailing attitude among Western members of Congress was that the federal government already held enough land and they saw no reason that the Baca Ranch should be added to the list of federal land holdings" (Martin 2003, 115). However, Senator Bingaman introduced legislation for acquisition, but the bill did not advance very far.

That same year, a group of representatives of regional and national environmental, conservation and recreation nonprofit organizations came together to form the Valles Caldera Coalition. The Coalition had the primary goal of advocating for the public acquisition of the Baca Ranch. The group—while garnishing support from

nontraditional allies, such as grazing interests—worked tirelessly to educate the New Mexico congressional delegation on the importance of protecting Baca Location No. 1. It became obvious to them that they needed the support of the influential Domenici. The Senator, who sat on the Interior Appropriations Subcommittee, didn't like the idea of a longtime working ranch being consumed by the federal land management bureaucracy (McGivney 2001, 39); his dissatisfaction with traditional public lands management was no secret. As he and his staff sought out ways to proceed and yet remain fiscally responsible while earning the support of other members of Congress, they turned to a new experiment in governmental management: the Presidio Trust in the Golden Gate National Recreation Area in San Francisco. Domenici's staff set about crafting a proposal for a similar management scheme for the Baca Ranch.

In July 1998 Senator Domenici discussed the idea with President Clinton aboard Air Force One. Clinton was intrigued, and instructed his staff to work with the Senator on the idea. Over the next year a host of problems and challenges had to be worked out, and the process was almost derailed more than once. But in September 1999 the U.S. Forest Service made an offer to purchase the Baca Ranch for \$101 million. In November, Senators Domenici and Bingaman introduced Senate Bill 1892 to purchase and protect the Baca. A major hurdle and compromise later, the Valles Caldera Preservation Act was finally signed into law as US PL 106-248 by President Clinton on July 25, 2000. Eighty-nine thousand acres of the Baca Ranch became the Valles Caldera National Preserve. The Act also defined the Preserve as a wholly government owned corporation, established the Valles Caldera Trust, and charged the Trust with management of the Preserve.

## Location of the Valles Caldera National Preserve

The Valles Caldera National Preserve is located just due west of Los Alamos in northern New Mexico. The Preserve forms the centerpiece or heart of the Jémez Mountains, which belong to the southern Rocky Mountain chain. It is bordered by public land, including the Santa Fe National Forest of the U.S. Forest Service and Bandelier National Monument of the National Park Service. Additionally, the Bureau of Land Management and the Los Alamos National Laboratories are significant federal government landowners in the region. Various Pueblos also own land bordering or in the vicinity of the Preserve. A Pueblo is considered to be any of some twenty-five Native American peoples, considered to be descendants of the cliff-dwelling Anasazi peoples, living in established villages in northern and western New Mexico and northeast Arizona. The term pueblo can describe a member or group of any of these peoples, as well as their permanent village or community. The Pueblos of the American Southwest are sovereign nations. As part of the Baca Ranch acquisition, the Pueblo of Santa Clara purchased about five thousand acres in the northeast corner of Ranch to complete its watershed.

The Valles Caldera National Preserve is proximate to the major population centers of New Mexico. In addition to Los Alamos, the Preserve is easily reached by vehicle from Santa Fe, Albuquerque, and the recreation and tourist destination of Taos. New Mexico Highway 4, the Jémez Mountain Trail National Scenic Byway, also passes through the Preserve and links it with other natural, historical, cultural and tourist attractions. Figure 2 demonstrates the location of the Preserve within the state.

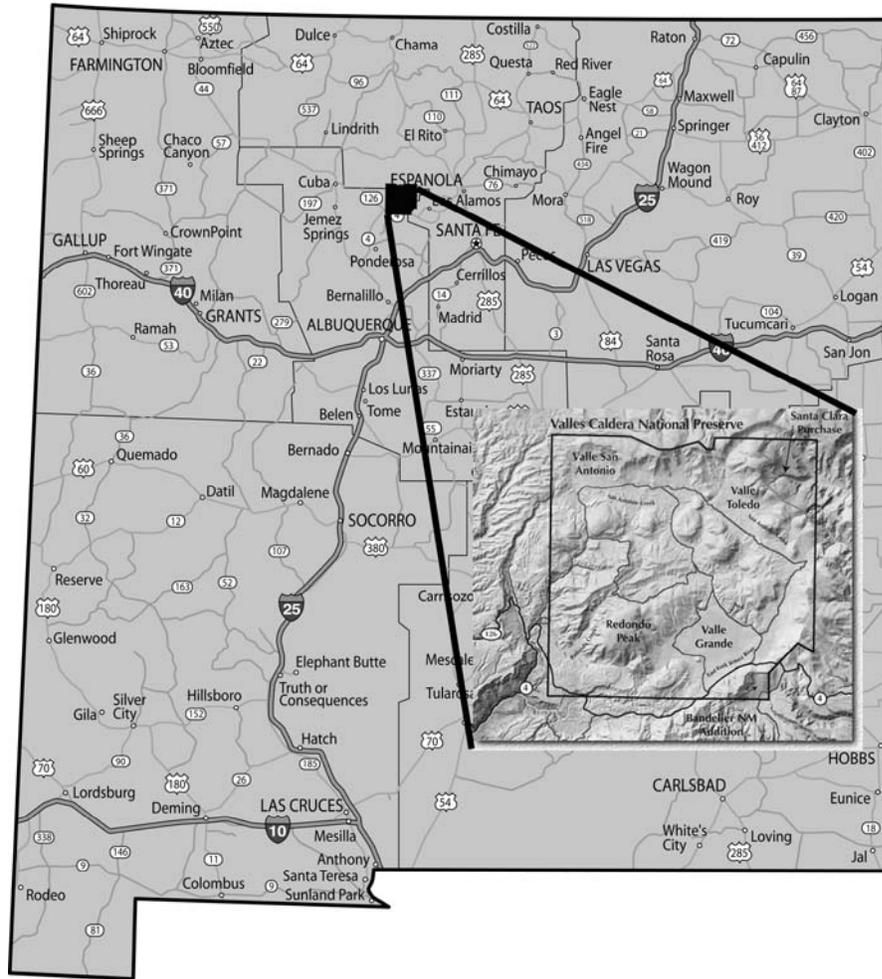


Figure 2: Map of Valles Caldera National Preserve and its location near Los Alamos, New Mexico.

The Valles Caldera Trust and Management of the Preserve

The Valles Caldera Preservation Act is included in its entirety as Appendix A. The Act spells out a very comprehensive multipurpose mandate: “The purposes for which the Preserve is established are to protect and preserve the scientific, scenic, geologic, watershed, fish, wildlife, historic, cultural, and recreation values of the Preserve, and to provide for multiple use and sustained yield of renewable resources within the Preserve,

consistent with this title” [US PL 106-248, Sec. 105(a)]. Clearly, Domenici and Congress were interested in trying something new which could have implications for public lands elsewhere: “...an experimental management regime should be provided by the establishment of a Trust capable of using new methods of public land management that may prove to be cost-effective and environmentally sensitive...” [US PL 106-248, Sec. 102(a)(12)].

The Act also, in some detail, describes the composition, rights, and responsibilities of the Valles Caldera Trust. The Trust is comprised of a nine-member board. Although all nine are voting members, two “ex-officio” members are federal employees: the superintendent of Bandelier National Monument (National Park Service) and the supervisor of the Santa Fe National Forest (U.S. Forest Service). The other seven trustees—who must not be federal employees—are appointed by the President of the United States. Although these presidential appointments do not require Senate approval, the President is to consult with the congressional delegation from the state of New Mexico. Additionally, at least five of the appointees must be from New Mexico to ensure that local citizens have a voice in management of the Preserve. Each trustee serves a four-year term (except for the first appointed group; three trustees served for only two-year terms to ensure continuity and limit disruption caused by turn-over), and no trustee shall serve for more than eight consecutive years. Additionally, trustees serve without pay and select a chair from amongst themselves. The board has the authority to organize itself in a manner it sees fit and must adopt bylaws governing its activities.

Importantly, each of the seven appointed trustees must have specific expertise or represent an organization or government entity:

- i. one trustee shall have expertise in aspects of domesticated livestock management, production, and marketing, including range management and livestock business management;
- ii. one trustee shall have expertise in the management of game and nongame wildlife and fish populations, including hunting, fishing, and other recreational activities;
- iii. one trustee shall have expertise in the sustainable management of forest lands for commodity and noncommodity purposes;
- iv. one trustee shall be active in a nonprofit conservation organization concerned with the activities of the Forest Service;
- v. one trustee shall have expertise in financial management, budget and program analysis, and small business operations;
- vi. one trustee shall have expertise in the cultural and natural history of the region; and
- vii. one trustee shall be active in state or local government in New Mexico, with expertise in the customs of the local area. [US PL 106-248, Sec. 107(a)(1)(C)]

As President Clinton stated at the signing of the Valles Caldera Preservation Act, “This legislation makes it clear that the managers of this property will make resource protection a top priority, and that sustainable multiple uses and financial self-sufficiency will be pursued to the extent consistent with protection of these irreplaceable resources” (Clinton 2000, 1678). The multiple-use mandate is nothing new to the federal land management agencies, especially the U.S. Forest Service, but the detailed and systematic

way the activities of the management plan are laid out in PL 106-248, Section 108, is unique. The Valles Caldera Trust must maintain the Preserve as a working ranch, as well as protect and preserve the scientific, scenic, geologic, watershed, fish, wildlife, historic, cultural and recreational values of the Preserve. Additionally management will provide for multiple use and sustained yield of renewable resources within the Preserve and allow public use and access for recreation. Finally, the Valles Caldera Trust shall provide for renewable resources utilization and management alternatives that benefit local communities and small businesses, enhance coordination of objectives with those on the surrounding Forest Service land, and provide cost savings to the Trust through the exchange of services. The often conflicting purposes and multiple-use mandate of the Preserve create challenges for representation of and responsiveness to various stakeholders. The Valles Caldera experiment is an attempt to circumvent some of the political deadlock, stagnation and litigation facing the National Park and Forest Services. “Congress wanted to use Valles Caldera to blaze a fresh trail through the tangled politics of managing federal land in the West” (Zaneski 2003, 17).

Finally, the Valles Caldera National Preserve is unique in another important way: the Preserve is to be economically self-sufficient by 2015. The Preservation Act allows the Trust to assess “reasonable fees for admission to, and the use of and occupancy of, the Preserve....” [US PL 106-248, Sec. 108(e)(2)]. The Trust may also solicit and accept donations of funds, property, supplies and services from individuals, foundations and corporations. The Trust is allowed to retain all proceeds and donations generated and apply them to the management of the Preserve.

Not only is the Valles Caldera Trust responsible for balancing sometimes rather conflicting missions, it must do so by raising revenues to manage all activities. The drive for financial sustainability has at least the potential of working against responsiveness to some external stakeholders or protection of natural resources. Here Congress is quite clear in stating that the Trust's management program shall provide for "optimizing the generation of income based on existing market conditions, to the extent that it does not unreasonably diminish the long-term scenic and natural values of the area, or the multiple use and sustained capacity of the land" [US PL 106-248, Sec. 108(d)(6)].

According to Section 111 of the Valles Caldera Preservation Act, Congress may still provide funds necessary to carry out the mandate as defined in the Act for each of fifteen full fiscal years after acquisition, which occurred in 2000. Additionally, two years after its first meeting, the board of trustees was to submit to Congress a schedule for decreasing appropriations so as to be financially self-sustaining by fifteen fiscal years after acquisition, or 2015. In general, the Trust is set to terminate twenty years after acquisition, or 2020. If after fourteen full fiscal years the board believes it has met all of the goals as spelled out in the Preservation Act except financial self-sustainability, the board may petition Congress for continued appropriations. During the eighteenth fiscal year, the board is to submit its recommendation to the Secretary of Agriculture that the Trust be either extended or terminated; the Secretary in turn must forward this and his or her own recommendation to Congress. In the event of termination, the Valles Caldera National Preserve will be managed as part of the neighboring Santa Fe National Forest, subject to all laws applicable to the National Forest System.

In addition to the mandated expertise or representation requirement for each of the appointed trustees and the local representation of the board, the Valles Caldera Preservation Act also has several provisions designed to increase citizen participation and enhance responsiveness. The board is required to meet in sessions open to the public at least three times per year within the state of New Mexico. Although allowed to close any other meetings, the board must have a majority vote to do so (in open session) and provide a public statement of the reasons for doing so. Importantly any decisions affecting the comprehensive management program of the Trust must be done in open public session. Further, “In addition to other requirements of applicable law, the Board shall establish procedures for providing appropriate public information and periodic opportunities for public comment regarding the management of the Preserve” [US PL 106-248, Sec. 107(g)(2)]. Admission fees or any other fees associated with recreation may be implemented only after public notice and a public comment period of at least sixty days. The Trust is directed to consult with Indian tribes and Pueblos on policies and practices that may affect them. Although the Valles Caldera Trust must follow all applicable federal environmental laws, such as the National Environmental Policy Act, it is exempt from the administrative appeals regulations of the Department of Agriculture.

It is important to note that the Valles Caldera Coalition did not dissolve with the successful federal acquisition of the Baca Ranch and the establishment of the Valles Caldera National Preserve and Trust:

The Coalition has grown since 1997 when we came together to lobby for the purchase of the Baca Ranch, some 225 square miles encompassing the volcanic crater at the heart of the Jémez Mountains. We stayed together

when the enabling legislation for the Preserve came out of Congress in 2000 with an “experimental” corporate structure that is of serious concern to the national environmental community. In spite of our reservations, we have dared to hope that at least some of the experimental provisions might actually give us all a better chance to communicate constructively and, thereby, achieve much better, much more creative public resource management. (Valles Caldera Coalition 2004)

The sometimes collaborative, sometimes antagonistic relationship between the Trust and the Coalition is an important part of the responsiveness picture in the Valles Caldera National Preserve.

It is important to note that the Valles Caldera Trust consists of both the nine-member board of trustees and a professional staff. The former is charged with making policy decisions; the latter with implementing those decisions on a day-to-day basis, as well as providing monitoring, feedback and advice to the board. As will be discussed in later chapters, there has been some tension and disagreement concerning the proper roles of each. Nonetheless, the staff is managed by a senior management team consisting of the executive director, the Preserve manager, the Preserve scientist, and the chief financial officer. The goal of the Trust is to maintain a small and organic staff; the Trust employs about twenty-five permanent and limited-term employees. Although not approved as of October 2005, the Valles Caldera Trust’s proposed organizational chart appears as Figure 3.

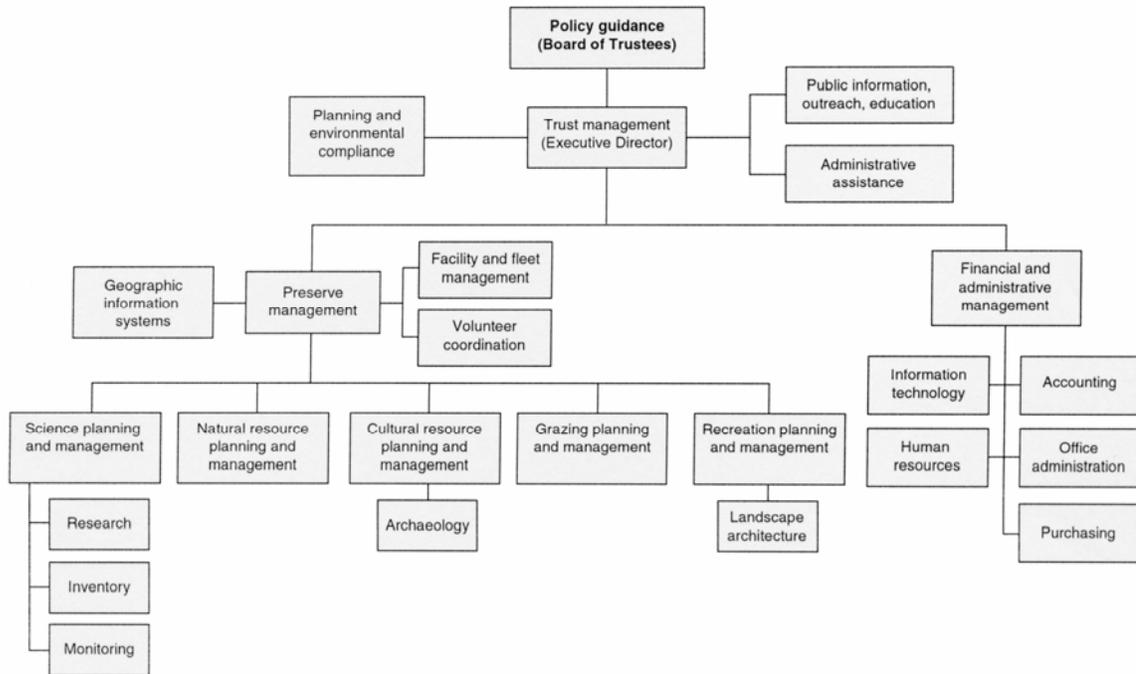


Figure 3: Proposed organization of the Valles Caldera Trust (United States Government Accountability Office 2005).

## CHAPTER 3

### METHODOLOGY

The research design for this dissertation is a qualitative case study. The case comprises the Valles Caldera National Preserve and the Valles Caldera Trust which manages it. Information is collected from the trustees, the executive directors and other professional staff members of Valles Caldera Trust; external government officials from other federal land agencies, congressional and executive offices, and Native American Pueblos; and various external stakeholders, as representatives of environmental and conservation groups, logging and grazing interests, and local citizens.

#### Types of Data

The data for this research are developed from three important sources of evidence. The first is documentation, which is mostly important for corroborating and augmenting evidence from other sources. This includes the enacting legislation, as well as letters, memoranda and other written communication produced by the Preserve and Trust. Very important are the agendas and minutes of Trust public meetings. Also, the Trust held a series of “listening sessions” throughout New Mexico, first as they began their work in 2001, and then as they rolled out their comprehensive management framework (Valles Caldera National Preserve 2005d). These meetings are well documented; the data are important to issues of responsiveness, as well as to identify key external stakeholders. The Preserve has also already produced a wealth of administrative documents, especially

progress reports, requests for proposals, by-laws and management policies, and contracts with various vendors; these are quite informative as well. Other reports, such as the National Environmental Policy Act written procedures, the previously mentioned comprehensive management framework, and the interpretive master plan are indispensable to understanding responsiveness. I have collected additional documentation from external sources, such as newspapers and other media, as well as from the Valles Caldera Coalition, the nonprofit organized around the Preserve. Much of this type of data is archived by the Valles Caldera Trust, such as organizational charts, maps of the Preserve, general personnel records and policies, and scientific inventory and monitoring of the Preserve. Much of this information is available on the Valles Caldera National Preserve Internet site (<http://www.vallescaldera.gov>) or from the Trust headquarters.

The second and most important source of evidence is interviews. These are essential because this case study is about individuals given the responsibility to govern and the individuals and organizations to whom the trustees are responsive. The interviews were of an open-ended nature and conversational. I listened carefully to an interviewee's responses, so that I was able ask important follow-up questions to pursue new angles of evidence. I also employed "snowball sampling" by asking each interviewee with whom else should I be speaking. In this way I was able to comprehensively cover all concerned stakeholders. As one might imagine, I often received the same list of names from various interviewees. The public lands management, conservation and natural resource utilization worlds in New Mexico are intimate. Finally, all interviews were captured with a digital recorder.

The third source of evidence is direct observation; I had the opportunity to observe professional staff and trustees in action, both in the office and the field. I attended two separate public meetings of the board (September 17, 2004 and September 6, 2005). I served as a participant-observer at a working session of the Trust board and staff (September 15, 2004) during which the interpretive master plan was discussed. I spent much time in the Valles Caldera offices and went with several staff members into the field. I also attended a meeting of the Los Alamos-based group of the Sierra Club during which the Preserve was discussed. These observations provided opportunities to witness interactions among staff, trustees and external stakeholders.

#### A Cluster of Institutional Features as the Independent Variable

As discussed previously, the management model created by the Valles Caldera Preservation Act consists of unique institutional features. First, instead of being managed as a unit of one of the traditional land management bureaucracies, such as the U.S. Forest Service or the National Park Service, the Valles Caldera National Preserve is governed as a wholly-owned governmental corporation or public trust. Nine individuals serve as trustees; seven of these are appointed by the President of the United States, in consultation with U.S. senators and representatives from the state of New Mexico. Five of these seven appointees must be from New Mexico, and none may be federal employees. Further, each of the seven appointees must have specific expertise in a given field or represent an organization with an interest in the land and its resources. Also, as a public trust, the Preserve is expected to be financially self-sufficient by 2015. Other details describing the organizational structure of the Trust and its rights and

responsibilities—such as its multipurpose mandate, its requirement to meet in open public session, and its ability to levy certain fees—are spelled out in the enabling legislation which appears in Appendix A.

All of these institutional features are important to describing the model which makes the Valles Caldera experiment unique. As Elinor Ostrom (2005) notes, organizations are typically defined by a cluster of institutional features, and in the case of the Valles Caldera National Preserve and Trust, the various unique institutional arrangements designed to enhance responsiveness constitute a dramatic experiment in public lands management. As it is impossible to isolate the effects of individual institutional features (such as the requirement that five of the seven appointed trustees be from New Mexico), one cannot attribute an increase or decrease in the level of responsiveness to individual elements of the overall design. Instead, the cluster of institutional features taken together constitutes the independent variable for this research. The purpose of this research is to examine the effects of that independent variable on a series of dependent variables designed to measure responsiveness.

#### Dependent Variables as Indicators of Responsiveness

There is unfortunately no direct way to measure responsiveness to citizens within an institution or organization. Many scholars have examined related issues such as accountability in environmental and natural resource management arrangements, including those that differ from the standard land management bureaucracies, such as the National Park Service, the U.S. Forest Service, and the Bureau of Land Management. For example, Weber (2003) operationalizes accountability in a series of case studies in

which “grassroots ecosystem management” describes decentralized, collaborative and shared power. Likewise, in *Collaborative Environmental Management*, Koontz (2004) and several other authors examine the role of government and illustrate a spectrum in which government leads, encourages or follows in collaborative environmental management (with a diverse group of external actors); issues of accountability and responsiveness weave in and out of six case studies. Editors Durant, O’Leary and Fiorino (2004) state that “future progress in advancing [environmental and natural resource] protection depends upon building a results-based sense of common purpose among diverse public, private, and nongovernmental stakeholders” (xiv-xv). They call for reconceptualizing purpose, reconnecting with stakeholders, and redefining administrative rationality to tackle today’s more difficult environmental and natural resource management problems. Finally, Wondolleck and Yaffee, through a variety of sources (2000, 2003, <http://www.snre.umich.edu/ecomgt/>), outline strategies for achieving successful collaborative arrangements in natural resource management and ecosystem planning, with special attention to achieving or maintaining accountability.

I have borrowed from these and other literature sources, as detailed below, to conceptualize a series of indicators of responsiveness. These indicators are essentially dependent variables; I expect them to have different values according to the independent management arrangement (traditional bureaucratic agency versus public trust governance). An examination of these variables in the context of the Valles Caldera National Preserve will indicate the level of responsiveness.

### *Representativeness and Participation*

Diversity and inclusiveness lead to greater responsiveness. One may think about this as both internal and external to the organization. For the former, does the organization demographically parallel that of the larger stakeholder community, and if so, does this “passive representation” (Seldon 1997) lead to greater responsiveness? Many scholars have argued that as the bureaucracy better resembles the public—or the concerned stakeholders—in such factors as race, ethnicity, and gender, then that bureaucracy becomes more responsive to the citizenry (Denhardt and deLeon 1995, Long 1952, Meier 1975, Mosher 1982, Rourke 1978). Such internal representation is further discussed as part of various subsequent variables, such as “trustees as community members” and “changing world view.”

Here I am more interested in external representation, perhaps better labeled as participation. I examine frequency and depth of participation through the documentation from listening sessions and public meetings. Do participatory stakeholders vary by location and time? Does active stakeholder composition change over time? Further, does the board generally allow discussion among all present, or limit it to themselves? Are public sessions facilitated to increase participation? Finally, documentation, observations and interviews provide insight not only into who participates in the process, but who might be conspicuously missing. Interview data reveal values associated with participation, such as the benefits of diverse and inclusive participation. The participation of a diverse group of stakeholders suggests that a wider range of perspectives will be considered, and result in increased responsiveness, especially to minority or traditionally underrepresented groups (Kranz 1976). At least some aspects of

Cohen and his colleagues' garbage can model applies: participation is fluid as stakeholders come and go, and as they vary in the amount of time and effort they devote (Cohen et al. 1972).

### *Responsiveness to National Interests*

With the Valles Caldera Preservation Act's emphasis on local representation and responsiveness, there exists the danger of decreased responsiveness and accountability to national interests. The Baca Ranch, after all, was purchased with monies from the Land and Water Conservation Fund; the act establishing the Fund states that purchases are to be used for recreational purposes by the citizens of the United States. The central question becomes whether or not it is possible to increase responsiveness locally without weakening responsiveness and accountability nationally. Weber (2003) examines such issues and finds that it is possible to have both, to achieve broad-based accountability without diminishing accountability to state or national interests, or to future generations. Important institutional structures, such as collaborative, horizontal design; direct, participatory decision-making; and open access are important to enhancing accountability. Importantly, a legal charter (or with this case the Valles Caldera Preservation Act) provides for legitimacy and reinforces accountability and responsiveness to law at the national level. Further, institutional processes including consensus decision-making and oversight and monitoring procedures enhance the broad-based accountability. Weber also suggests a role for norms, ethics, and ecosystem approaches to environmental and natural resource management (2003, 69-105). Weber's framework is in many ways a more diffuse version of Romzek's (1996); he expands upon

what others have discussed by describing both processes and structures for enhancing accountability. I argue that many of these same horizontal processes and structures also enhance responsiveness, including to the national level.

Documentation and interviews are important to understanding whether or not the Trust “has an eye” to national concerns and needs as well as those of New Mexicans. For example, what are the relationships among the Preserve board and staff, state and federal government officials, and representatives of large, national nonprofit conservation organizations? Have any lawsuits been filed in federal court? Do the mission statement, management plans, and other documents of the Preserve reference the larger stakeholder group?

#### *Employment of Active Partnerships*

Active partnerships increase ownership and trust, thereby increasing responsiveness. Potential partners at the “international” level include the Pueblo administrations of the surrounding areas. Federal and state partners include the environmental and national resource agencies such as the Bureau of Land Management and the New Mexico Department of Game and Fish. Partnerships at the local level, with county governments, are also possible, as are relationships with universities and other research institutions. Finally, partnerships with citizens, either as individuals or organized into groups, are important. These arrangements can enhance science and monitoring, delivery of recreation services, vending and other economic opportunities, just to name a few. And many stakeholders are interested in resource extraction opportunities, such as grazing, fishing, hunting and logging. As Durant et al. (2004)

state, "...both deliberative democracy and effective [environmental and natural resource management] can be advanced profitably by pursuing collaborative public, private and [nongovernmental organization] partnerships" (13). O'Toole (1997), in his discussion of democracy and today's networked bureaucracy, suggests that pluralistic arrangements "can at least accentuate responsiveness to intense or well-organized minorities at the expense of a more-diffuse majority" (453-453). Further, public administrators may have a special role in assuring increased representation as trends toward network arrangements continue. O'Toole defines networks as including interagency cooperative ventures, intergovernmental program management structures, complex contracting arrays, and public-private partnerships (446).

Documentation, observation and interviews are important in understanding the nature and extent of these partnerships. Especially interesting is the relationship between the Trust and the Valles Caldera Coalition. The Coalition was formed around acquisition; now what role does it play? Does it still consider itself a partner in accomplishing the goals as laid out in the Valles Caldera Preservation Act, or has it struck a more confrontational posture? And how does the Trust, both board members and staff, value the Coalition's involvement?

### *The Role of Communication, Public Information, and Education*

The flow of information is important to avoid asymmetrical situations and to increase responsiveness. Public outreach and education are important to increase participation and to avoid misunderstandings. Effective communication is essential to

build deep and long-lasting trust. Stakeholders “left in the dark” will feel that their needs and concerns are not being met.

Wondolleck and Yaffee (2000, 24-27) classify information as two-way. First, agency personnel are faced with complex challenges in managing natural resources, many of which must consider a landscape, watershed, or regional approach as well as human-environment reactions. There is no reason to expect bureaucrats to have all the answers, but they must reach out to find additional sources of information (including ideas) from the broader community of concerned stakeholders. Additionally, changes in laws and regulations, such as the National Forest Management Act, require natural resource managers to better understand human values and concerns. At the same time, the public needs to better understand the wide-range of considerations and challenges facing public land managers. The opportunity exists for each side to educate the other, and responsiveness can only occur if information is shared.

Both content and forms of delivery of official Trust and Preserve documentation are important indicators of responsiveness. What sources—such as newsletters, newspapers, and the Internet—are employed to release information? Does the Trust actively engage in marketing and publicity campaigns? Are records readily accessible and available to the public? Or have stakeholders had to resort to Freedom of Information Act requests? Are there clear lines of communication among external stakeholders, trustees, and Preserve staff members? How do stakeholders interact with Preserve managers? Documentation, interviews and observations are important sources for evidence of communication and the sharing of information.

### *Gathering Data and Sources of Knowledge*

The gathering of good information from a variety of sources (including neutral, outside parties as well as local stakeholders) is important in planning and decision-making in the natural resource arena. For a high level of responsiveness to exist, citizens should participate in the research process, and technical issues should be presented in an understandable fashion. Not unlike Torgerson's (1986) third face of policy analysis, the process is participatory, including a commitment to promote research endeavors which both permit and encourage greater citizen participation. Such a process leads to deeper, broad-based understanding and provides educational opportunities for both the technocrats and the larger public. As Meadowcroft (2004) states, "Group processes can engage complex interests within a constructive framework, provide a context to explore contradictory scientific claims and to reconcile different forms of knowledge, favor long-term interaction, and encourage learning among organizations and broader social constituencies" (203). Importantly, there should be a role for social science research, including such topics as politics, economics, human behavior and values. As both biophysical and social science has advanced, a modern challenge is to understand the interaction between human and ecological systems (Gragson and Grove 2006). Science can tell us a lot about interactions in the biophysical world, but is not as helpful with value trade-offs which must sometimes be made.

This analysis addresses how the Preserve performs and utilizes scientific research. Are citizen values appreciated at the same level as technical expertise? Is information provided to citizens in an understandable manner? Are there avenues for stakeholders to provide information to the staff, and if so, is such information considered?

### *Incorporation of Citizen Needs into Policies and Procedures*

Paul Schumaker (1975) describes a scale of policy responsiveness. At one extreme are repressive policy responses; here, instead of incorporating specific stakeholder group requests, the agency response involves taking action that is repressive or unfavorable to the group. At the other extreme are responsive policy actions, in which the bureaucracy enacts policies congruent with the demands of the interest group. Of course there are various possible responses located in the middle. First, the agency may take no action, either repressive or responsive. Second, the agency may perform a minimal policy response; this could consist of a token gesture, a symbolic policy or procedure, or a reactive policy which does not satisfy the individual or group. Finally, it is possible for the bureaucracy to enact a compromise policy, one which provides the stakeholders some but not all of what they ask. The scale is a continuum, and the agency response may vary in degree and over time.

Quite simply, to what degree do stakeholder demands, needs and desires make it into the policy and practices of the Valles Caldera Trust? If they do not, do trustees or staff members explain why the recommendations will not or can not be implemented? Important sources of evidence are written and verbal (as traced through public meeting minutes) comments and the resulting policies. Also important are the Trust's National Environmental Policy Act procedures, including pathways for public comments and how those comments are addressed. The Trust's comprehensive management plan addresses citizen input. Stakeholders also provided many comments at various listening sessions around the state. Interviews provide insight into citizen satisfaction with the process.

### *Monitoring and Performance Standards and Responsiveness Tools*

Responsiveness includes being able to report progress back to the public to keep them informed and let them know how the management effort is proceeding. Are there benchmarks, or baseline data, against which the Trust can measure impact of its policies? Do these data consider not only environmental or biophysical factors, but also community and economic factors? Does the staff employ feedback loops and adaptive management to adjust policies in the event of landscape degradation, economic losses, or stakeholder demands?

As the Trust is a wholly owned government corporation, it is subject to the Government Performance and Results Act (United States Government Accountability Office 2005). As such, the Trust must prepare a strategic plan and annual performance plan with measurable goals and objectives. Further, Koontz et al. (2004) state, “A critical question that plagues most environmental management initiatives in general, and collaborative ones in particular, is the relationship between processes and environmental outcomes” (183). Ecosystem management in general is often described as a promising technique for linking public expectations and resource conditions. Such an approach requires a consideration of the natural dynamics and complexity of ecosystems. Additionally, desired outcomes should integrate ecological, economic, and societal values. Monitoring and research should be integrated with management to continually improve the scientific basis of ecosystem management. And very importantly, responsiveness through coordination of goals and plans with affected publics is essential to success (Jensen et al. 1996).

This dissertation utilizes documentation to determine if such standards and benchmarks are incorporated into the management plan. Importantly, how is the scientific inventory performed during the first two years of the Valles Caldera National Preserve (and ongoing) utilized? Further, the research conducted here employs observations and interviews to shed light on how and how often management evaluates its work, how this evaluation is reported back to the public, and how evaluation is fed back into management decisions.

#### *Agency Leaders as Trusted Community Members*

Responsiveness is enhanced as trustees see themselves as community members, and perhaps more importantly, as the community members see the trustees in this way. Personal relationships and networking are important in natural resource protection and public lands management, especially in the west and in New Mexico. If stakeholders have the chance to personally get to know and interact with Trust board and staff members, will they trust those in authority to “do the right thing” for the land and the community? Are avenues of communication enhanced, leading to greater responsiveness?

Elinor Ostrom (1990) and others (Dietz et al. 2003) provide insight into how local communities work together to solve difficult environmental problems. These scholars suggest self-organization and self-governance as possible solutions to managing common pool resources. Trust and communication are important requirements for communities learning to work together; such commodities may be hard to develop if trustees charged with managing the resource are viewed as outsiders. Ridley and Low (2003) state,

“Local people can and do get together to solve their difficulties, as long as the community is small, stable, and communicating, and has a strong concern for the future” (82).

This dissertation utilizes direct observation to document where trustees and other staff members live and work, as well as their visibility within the local, state, and national communities. Valles Caldera Trust board and staff members and external stakeholders—through interviews—define community, discuss their roles within the community, and articulate whether or not a sense of community enhances responsiveness. The research employs all three types of data—documentation, observation, and interviews—to indicate how the implementation of stakeholder interests is related to the policy-makers’ place in the community.

#### *Responsiveness to Profession and Power Base through Outreach*

Responsiveness, especially to the non-local level, requires spreading the word. How often do representatives of the Trust speak about the endeavor within Valles Caldera with community organizations, professional trade groups, and government officials? Are they sharing information with public land management colleagues within state and federal agencies? Are they spreading knowledge gained to practitioners within and without New Mexico, such as ranchers? Have they been to Washington to meet with members of Congress (especially the New Mexico delegation) and White House staffers to keep them abreast of the progress and protect their authority? Finally, how are the media employed to share information and reach out to the public? As mentioned previously, communication and the flow of information is important to enhancing responsiveness. Professional norms play an important role in natural resource and

environmental management (Weber 2003, 87-92). Valles Caldera Trustees and staff members need to remain connected to other professionals in the field. Additionally, regular updates to the New Mexico congressional delegation enhance responsiveness. Sources of data for the outreach variable include interviews and documentation.

### *Changing World View of the Potential Role of Public Lands*

Responsiveness is enhanced by trust and respect. Can the “grand experiment” in Valles Caldera National Preserve shift the focus from that of the individual and individual needs, to that of a win-win situation in which both economic opportunity and natural resource conservation can be advanced (Rosenzweig 2003)? Again, Ostrom (1990) argues that it is possible to solve common pool resource dilemmas if individuals learn to work together on three related issues: supply, commitment and monitoring. In other words, trust is enhanced and success is achieved as these individuals come together to understand limitations of the resource, develop a common commitment to sustainable use of the resource, and self-employ a system to monitor both the supply and the commitment. Does this new arrangement put a personal face (as opposed to governmental) to public lands management? Can a group of educated people with different interests sit down together as a board and reach consensus on policy decisions, or will the same stalemate, gridlock and litigation result? Gragson and Grove (2006) state that success in addressing human-environment interaction problems begins with trust, a trust based on mutual appreciation of what each team member can add to the endeavor. Can trustees, employees and external stakeholders collectively create a common history and sense of place for the Caldera? Trust and communication (and as

previously discussed, responsiveness) are necessary precursors to building a common purpose (Fiorino 2004). For this research, interviews are the greatest source of evidence for a changing world view.

### *The Role of Citizens in the Policy Process*

Responsiveness requires various access points for the public. For example, is it possible under the Valles Caldera arrangement to circumvent Lowi's (1979) and Frederickson's (1980) concern about malfunctioning or inadequate pluralism? Important is stakeholder ability to provide unsolicited suggestions and comments on proposed policies throughout a deliberative process (and not just at the end when it may be too late to affect change), as well as feedback on implemented policies and procedures. Additionally, what is the appeal process? So that stakeholders may navigate the system, it must be open and transparent. Weber (2003) stresses the importance of an open-access design so that concerned members of the public may participate as they wish, either at public meetings or through monitoring of agency activities. Relatedly, information should be open, available and non-technical as much as possible; as mentioned previously, monitoring and evaluation data should be provided so that external stakeholders may perform independent reviews. In sum, information matters and citizens should be able to actively participate in their government. The public is skeptical of agency processes that only superficially probe internal technocrats and the external, interested public for policy alternatives simply to legalistically and mechanically meet the requirements of the National Environmental Policy Act or other legislation (Bear 2003).

Valles Caldera documentation, such as the comprehensive management framework, the Trust bylaws, and the National Environmental Policy Act procedures, describes the public participation process. Other documents demonstrate who has participated in the process, and when; what reviews have been made, who has made them, and how they have been publicized; and how appeals or grievances have been addressed. Additionally, this research utilizes direct observation as evidence of how and at what stages the public is involved, as well as how the trustees and staff members respond to such involvement. Finally, the research relies on interviews to provide insight into trustee and stakeholder perceptions of the process and their respective roles within it.

#### *Decision-Making Structures, Rules, and Procedures*

Simply, responsiveness is enhanced by transparent decision-making. Open deliberation provides trustees the opportunity to demonstrate that stakeholder input is valued, and that all sides of a particular issue are considered. Likewise, decision-making without the benefit of “sunshine” leads to misgivings and distrust, even if board decisions are honorable and ethical. Even though it is not always possible to reach board consensus, responsiveness is also enhanced by a deliberative process that strives to achieve unanimity. According to Wondolleck and Yaffee (2000), the consensus process “forces members to work harder to craft solutions that span the interests of the different groups” (105). Further, the process of crafting a solution to a given problem through a collaborative approach builds trust and a shared sense of purpose. Finally, “As a matter of national policy, the great importance of meaningful public participation in decisions affecting our public lands is both longstanding and clear” (Blumberg 1999, 89).

Valles Caldera documentation spells out the rules of decision-making. Trust public meetings offer the opportunity to observe the actual deliberation and decision-making process. The research also employs interviews to gauge both the reality and perception of the decision-making process.

### *Additional Variables*

In the course of analyzing the various data sources, it became clear that three additional variables are important. Although these three variables are not linked to each other, the way in which each emerged through the research process is similar, and clearly these variables provide additional indications of the level of responsiveness.

First, the *economic self-sufficiency requirement*, as laid out in the enacting legislation, is a theme which permeates all Preserve activities; it is constantly on the minds of both internal actors and external stakeholders. In response to interview questions targeting the original variables, subjects often incorporated discussion of financial self-sustainability in their answers. For example, when asked to elaborate on a changing world view concerning public lands or the purpose behind Trust partnerships with other governmental and nongovernmental entities, many trustees, staff members, and stakeholders referenced the economic requirement as laid out in the law.

As I explored this more deeply, I referenced various literature sources discussing the theoretical and practical implications of the public trust model. Basically, the definition of a trust involves a fiduciary relationship between the trustee of the natural resource and the beneficiary. Such a relationship empowers the trustee to make decisions to maximize profits while considering the long-term viability of the resource (Souder and

Fairfax 1996). As required by the Valles Caldera Preservation Act, the Trust must balance decreasing congressional appropriations with other economic opportunities. As economic self-sufficiency can affect responsiveness and accountability both positively and negatively, it is clear that it must be examined to determine what role the requirement plays. For example, what is the potential to compromise environmental quality for economic gain? How is the Trust to maintain responsiveness to both conservationists and development interests?

Next, it is clear that *dynamic interactions between agency leadership and staff* may have an important effect on responsiveness. Again, this variable was not conceptualized prior to the data collection process, but the importance of board-trust interactions appears in all three types of data: documents, interviews, and observations. There is a burgeoning body of literature—primarily from the study of nonprofit organizations—which examines the affects of such interactions on a number of issues including efficiency and accountability.

Board-staff dynamics can be classified in three ways: 1) among the trustees themselves, 2) between the board and the staff (specifically in regard to the respective roles of each), and 3) between the board or staff and the executive director (or the “bridging” role of the executive director). “Collaborative processes are successful when people with different interests can set aside their current positions on a controversial issue, discover shared values and aspirations, find fresh ways of achieving shared goals, and agree on a strategy to implement this fresh approach” (John 2004, 235).

Third, the *political responsiveness through appointments* emerged as an apparently important variable for examination. Even though I did not design questions to

collect information about this variable, interviewees often spoke of the appointment process and its affect on responsiveness. Also, I was provided documents created by both trustees and external stakeholders addressing the political appointment process.

It is essential to examine how responsiveness is affected by the way the President and the New Mexico congressional delegation appoint trustees, and the related turn-over of trustees on the board. Intrinsic to this discussion is an understanding of the question, “Responsiveness to whom?” Many scholars have examined bureaucratic responsiveness to the chief executive, legislative bodies, the courts, professional norms, ethics and the served public in public administration generally (Denhardt 1990, Light 1995, Pfiffner 1987, Rourke 1992, Thompson 2000) as well as in the environmental arena specifically (Ringquist 1993, Tipple and Wellman 1991, Vandlik 1995, Wood 1988, Wood and Waterman 1991). Also to be considered is the “mandated representation” requirement of the Valles Caldera Preservation Act. Do trustees bring certain expertise and experience with them to the boardroom, or are they there to represent special interest groups? Finally, how do these matters affect responsiveness?

As demonstrated by the interview protocols in Appendix B, I utilized a “catch-all” *other* category to hold other factors that did not fit neatly into one of the fifteen boxes described above. Here I caught interviewee comments about such topics as Valles Caldera successes to date, as well as threats to future success. Also, I allowed interviewees to emote about the big picture: whether or not they thought there was something larger at stake in this experiment, and whether or not the Valles Caldera National Preserve is or should be a model for elsewhere in the public lands management world. Almost every subject had something to say in response to the “Anything else I

should know?” question. It is important to note that this “other” category is not an indicator variable in itself; rather, many of the answers provided to the questions under this category applied to the three additional variables of economic self-sufficiency, board-staff dynamic interactions, and political appointment process.

The boundaries between these fifteen variables are not rigid, and there is considerable overlap among them. I simply used this conceptual framework of dependent variables as a guide for organizing and analyzing the information.

#### Comparison of the Valles Caldera National Preserve with other Federal Land Management Agencies

As the purpose of this research is to understand the effect of the unique institutional arrangements on responsiveness, or of the independent variable on the dependent indicator variables, it is useful to incorporate a comparative perspective. As the cluster of institutional arrangements at play in the Valles Caldera case is unique and experimental, one must consider the myriad of possible other institutional arrangements employed to manage public lands at the national level in the United States. Although it is somewhat dangerous to generalize about the diverse federal land management agencies, I primarily focus on the U.S. Forest Service and National Park Service. Institutional features in this cause resemble a more traditional bureaucracy as somewhat described by Herbert Kaufman (1960) and result in some of the responsiveness challenges outlined in Chapter 1.

In way of contrast, the Forest and Park Services are more top-down, with much policymaking occurring in a centralized manner in Washington, DC or regional offices.

Of course these agencies are much thicker as compared to the Valles Caldera Trust; in fact, the Forest service is comprised of four major levels: national, regional, forest, and district. The majority of employees are career public servants; however, political institutions, such as the President and Congress, attempt to achieve accountability and responsiveness through the appointment of political leadership at the higher levels of the bureaucracy. Interest groups and lobbyists are active at the regional and even local level, but most resources are focused on congressional or agency decision-makers in Washington. Not unlike the Valles Caldera National Preserve, especially the Forest Service faces the challenge of balancing a comprehensive, multi-purpose mission. As previously mentioned, the Forest and Park Services have witnessed a professional and demographic diversification of their workforces. However, these two federal bureaucracies are not mandated to ensure that specific expertise is present among those making important resource decisions. Finally, individual forests and parks rarely get to keep the income generated on-site, but rather send it off to Washington.

Table 2 lists the fifteen dependent variables. The table also lists values of the variables expected in a traditional bureaucratic institutional arrangement (as in the National Park Service or the U.S. Forest Service) and in the Valles Caldera National Preserve. In this way one may determine if responsiveness is enhanced over what is normally expected or found in many of the federal land management agencies.

Table 2: Variables indicating responsiveness under a traditional bureaucratic arrangement and that found in the Valles Caldera National Preserve.

Variable	Traditional, Bureaucratic Arrangement	Valles Caldera National Preserve
Representativeness and Participation	Internal: undergoing professional and demographic diversification (Tipple and Wellman 1991)	Internal: “mandated representation” assures diverse interests/expertise
	External: special interests and coalition driven; national organizations most visible (Brown and Harris 1991)	External: broad-based participation from local communities
Responsiveness to National Interests	Primarily responsive to national interests (including national lobbyists and hierarchical authority) (Lowry 1999)	Decidedly local orientation means other mechanisms (structures and processes) assure national responsiveness and accountability
Employment of Active Partnerships	Other federal agencies; contracting with third parties (Multinational Monitor 2003)	Win-win arrangements with local groups for social and economic development; advisory groups; federal and state agencies; Pueblos
The Role of Communication, Public Information, and Education	Highly-developed interpretative mission (National Park Service) (Ben-Ari, 2000); information to fulfill legal mandates (Bear 2003)	More proactive and responsive; open access to information for external monitoring; two-way flow to learn from each other
Gathering Data and Sources of Knowledge	Mostly internal to bureaucracy (or outside contractors or experts); scientific effort less integrated into management (Bear 2003)	Citizens participate in research process; social science incorporated; data balanced with human values; adaptive management and feedback

Table 2 (continued): Variables indicating responsiveness under a traditional bureaucratic arrangement and that found in the Valles Caldera National Preserve.

Incorporation of Citizen Needs into Policies and Procedures	As required by National Environmental Policy Act or National Forest Management Act; “strawman” alternatives; role for public too late in process? (Steelman 2001)	Stakeholders involved throughout the process; greater satisfaction with the process; more personal conversations
Monitoring and Performance Standards as Responsiveness Tools	Highly developed research units, but infrequently place-based and incorporated into daily management decisions (Congressional Digest 2006, Jensen 1996, United States Forest Service 2006)	Feedback loops for adaptive management and decision-making; science integrated into management
Agency Leaders as Trusted Community Members	Leaders more removed and less visible; Washington outsiders and centralized decision-making (Nelson 1999, Nie 2004)	More personal relationships and interaction; better understanding of the local situation
Responsiveness to Profession and Power Base through Outreach	Strong professional affiliations through educational/training experiences (Kaufman 1960, Sabatier et al. 1995)	Because small and somewhat isolated, strive to build professional ties professionally and politically (at all levels of government)
Changing World View of the Potential Role of Public Lands	Traditionally plagued by gridlock, polarization and litigation (Nelson 1999); NGOs as watchdogs (Meadowcroft 2004)	“Trust, but verify” approach by stakeholders; can develop win-win scenario; NGOs as partners

Table 2 (continued): Variables indicating responsiveness under a traditional bureaucratic arrangement and that found in the Valles Caldera National Preserve.

The Role of Citizens in the Policy Process	As required by federal legislation; criticism of opportunities for only superficial participation and a lack of serious scoping of alternatives (Bear 2003, Steelman and Maguire 1999)	Increased access points for stakeholders; public viewed more as partner-participants than critics who work to interrupt the process
Decision-Making Structures, Rules, and Procedures	Fairly centralized and top-down; “one size fits all” approach; less deliberative and less open (Bartlett 1990)	Attempt to build consensus among diverse interests and experience; decisions made in public
The Economic Self-Sufficiency Requirement and Responsiveness	Not motivating factor as rarely get to retain revenues; complex national budgeting process; lower funding priority for Congress (National Parks Conservation Association 2006, O’Toole 1999)	Resource decisions based upon sustainable use while attempting to maximize profits; responsive to future generation and local economic/social needs
Dynamic Interactions between Agency Leadership and Staff	Traditionally strong hierarchical and professional control; transitioning to diverse workforce with diffuse power bases (more resistance to centralized authority) (Kaufman 1960, Multinational Monitor 2003, Tipple and Wellman 1991)	Diverse board requires collaboration; policy role for board and day-to-day management responsibilities for executive director and staff (separation of responsibilities)
Political Responsiveness through Appointments	Traditionally based on Progressive model of technocrats as leaders, but increasing political appointeeism (Vandlik 1995, Wood and Waterman 1991)	Presidential attention results in politicization of the appointment process; struggle to separate experience/expertise from representation of special interest on board

### Interview Protocol

The responsiveness indicator variables were used to construct an interview protocol complete with specific questions to be asked. Three separate protocols were developed: Valles Caldera National Preserve trustees and professional staffers, outside stakeholders (including state and local government officials), and congressional representatives. The interview protocols appear in Appendix B.

### Data Collection

Of course much data collection occurred during the research design phase. The Valles Caldera website, as well as the Trust's chief scientist, provided useful, relevant information. Another source was both local and national press and radio coverage the Preserve had received. I was able to use documentation and personal communications to frame the research questions and develop the data collection protocols.

I initially took two trips to the Valles Caldera National Preserve to collect data. The first occurred September 6-18, 2004, and was mainly to familiarize myself with the Preserve and Trust, conduct initial interviews, collect documentation from the Trust office, and expand my list of contacts. The second trip was taken February 1-11, 2005. This trip was to conduct additional interviews, follow-up on questions unearthed from the previous interviews, collect additional documents, and fill any holes in the data. Due to some controversial issues in the Preserve primarily focused on the resignation of the executive director, I took a third and unplanned trip to the site on September 5-7, 2005. This trip was mostly to observe a contentious public meeting and conduct follow-up

interviews with key trustees. Finally, I used two occasions when I was in Washington, DC, to meet with federal representatives interested in the Valles Caldera experiment.

Throughout the data collection process, I conducted interviews with more than forty individuals. The interviews, which were digitally recorded, had an average length of more than one hour, with several lasting many hours. Key actors were interviewed more than once. Interviewees included eight of ten trustees appointed by the time I had finished the interview process, including two trustees who had cycled off of the board. I felt these latter two provided interesting insight as they spoke freely about their experiences. I also interviewed the two current “ex-officio” members of the board: the Superintendent of Bandelier National Monument and the Supervisor of Santa Fe National Forest.

For professional staff members, I interviewed the two “permanent” executive directors to date, as well as two interim executive directors. The first executive director proved to be an important subject as he coordinated the development of the Valles Caldera legislation as a staffer for New Mexico Senator Pete Domenici. I also interviewed all members of the executive management team, including the Preserve chief scientist, the chief financial officer, and the Preserve manager. Next, I interviewed five other members of the staff representing such responsibilities as communications, recreation, natural resource management, and landscape architecture.

External stakeholders interviewed were diverse in their interests in the Valles Caldera National Preserve. I spoke with two native Americans from neighboring Pueblos. I met with five people who would classify themselves as conservationists or recreationists, including the coordinator of the Valles Caldera Coalition (which represents

twenty-eight organizations and thirteen individuals). Three interviewees were interested in extractive uses, such as hunting, fishing, and grazing. Five interviews were conducted with external scientists or public lands managers who are interested in the Preserve or have lent their services to the Trust; four of these are current or former federal employees. I also interviewed one state of New Mexico public lands manager, three congressional staffers in Senator Pete Domenici's office, and the General Counsel of the President's Council on Environmental Quality. Finally, I have interviewed a scholar and local government employee who wrote a history of the Baca Ranch.

Of course many of these subjects also are representative of the communities in which they live. It also bears mentioning that I obtained much individual-level data beyond the interview process by scanning comments made at public meetings or submitted in writing to the Trust, or through editorials submitted to local newspapers, especially the *Los Alamos Monitor*. Much of the data provided by individuals converged to a few central themes, although each subject's responses were colored by his or her own personal experience and vantage.

I also collected hundreds of pages of documents. Much of this is official Trust documentation, such as the comprehensive management framework, interpretive master plan, National Environmental Policy Act procedures, minutes of public meetings and listening sessions, annual reports to Congress, and bylaws. External federal government documents include Government Accountability Office reports, as well as statements by President Clinton and Senator Domenici. Stakeholder documents include Valles Caldera Coalition press releases and internal communications, public comments on proposed Trust policies and procedures, individual e-mails, and journal articles researching a

particular aspect of the Valles Caldera experiment. Also included in this category is press and media coverage, including both editorials and news articles.

As far as observation, I was able to attend two separate public meetings held by the board of trustees. I also sat in on a trustee-staff working session in which they collaborated on the development of the interpretive master plan. Finally, I was able to observe the Trust and staff at work, both in the field and the office.

### Data Analysis

Throughout the data acquisition phase, I personally transcribed the digitally-recorded interviews. I felt this was important to facilitate critical thinking and data analysis. Much learning and “organizing of thoughts” occurred during the transcribing process.

Once the transcribing was completed, all data (interviews, documents, and observations) were coded according to the fifteen indicator variables detailed previously. Each variable was subdivided following the logic of the questions as they appear in Appendix B generally; new subdivisions were created as new ideas or concepts emerged from the data. The coded data were then arranged into an electronic case-study database. Now patterns in the data, collaborated by multiple sources, were readily identified and reconstructed into overarching themes as described in the subsequent chapters. This electronic study database goes far to ensuring reliability.

Throughout the process, I maintained the chain of evidence. The chain can be described as:

research questions → protocol → data collected and circumstances →  
database → report

This chain supports the construct validity of my research design, and I am able to trace the initial questions to the final conclusions. Through the employment of pattern matching, I am able to say much about responsiveness in the Valles Caldera National Preserve.

## CHAPTER 4

### INSTITUTIONAL STRUCTURE VARIABLES AND RESPONSIVENESS

The purpose of this research is to determine if the Valles Caldera National Preserve and Trust experimental model of management as well as the unique requirements as laid out by the enacting legislation enhance responsiveness. It is helpful to examine responsiveness in Valles Caldera by separating the dependent indicator variables defined in Chapter 3 into two subsets, the first detailing institutional structural arrangements, the second institutional processes. There is always a danger in compartmentalizing responsiveness factors this way; at times the boundaries between these two types of variables are unclear and a variable may consist of both structural and procedural components. Still, such an organizational structure is helpful in examining responsiveness thoroughly.

This chapter addresses eight structural variables. Such dependent variables include participation, national interests, active partnerships, research and base of knowledge, monitoring and performance standards, trustees as community members, economic self-sufficiency, and politicization.

#### Representativeness and Participation

As discussed in Chapter 3, broad-based participation among multiple and diverse stakeholders is an important indicator of responsiveness, as more citizens are likely to be involved if they feel that they are being heard and if their needs are being met. As

Meadowcroft (2004) states, “Group-based processes also have representational and deliberative advantages. In a group-based process, representatives of organizations linked to affected interests are involved directly in the deliberative encounter. Each participant interacts with others and in so doing encounters new dimensions of the problem” (202).

Everybody with whom I spoke—trustees, staff members, and external stakeholders—all expressed value at having diverse and substantive participation. One board member stated:

I think the benefit of inclusive representation is really knowing what everybody wants, what their interests are.... I think that getting all the people involved early on, knowing what their interests are, what they'd like to see of this place. I think that's the benefit, knowing what everybody's thinking, what they want. It gave us a better chance to—better idea to—work on a plan of how we ought to manage this place.

(Interview, September 2004)

Many observers asserted in interviews that a diverse public has participated in the governance activities of the Trust and Preserve. Almost without exception, interviewees list the Valles Caldera Coalition as the loudest and most active voice; this was not unexpected as the Coalition is comprised of many individuals and well-organized environmental and conservation advocacy groups, and has a full-time coordinator focused on the Valles Caldera. But respondents also list ranching interests, various Pueblo nations, and the highly-educated residents of Los Alamos as vocal participants. One observer told me, “At the listening sessions and public meetings, I thought, who are

these people? I would say everyone from artists to zoologists have been heard, from what I have seen” (Interview, September 2004).

However, there are those who worry that the public participation process is dominated by environmentalists or the well-educated and resourced. One long-serving U.S. Forest Service Ranger stated that the Trust is missing the “quiet cultures:”

...most of the populations are very soft-spoken, hard-working Hispanics or tribal members. They aren't used to imposing their values into other processes, they aren't. Now they are very vocal on their ideas, but only within their own culture...externally, they don't feel comfortable going to a public meeting and saying, “I believe this.” They don't do that. And the Hispanic communities here, they are soft-spoken, hard-working, generally poor like the tribes. And they are in a very similar vein. The Hispanics are very traditional here, and traditional means they are soft-spoken, they work hard, they do a lot of things at home. But they do not engage into these public processes, and the processes that the Caldera has instituted are public.... [The Trust is] kind of like Anglo society: let's get it now. Then they get it on the website; these people don't have computers and don't go to websites. Go to public meetings; they don't talk in public meetings. So the Caldera doesn't represent the values of these communities. They represent Los Alamos; they represent the Coalition; they represent the Park Service. (Interview, February 2005)

According to another external stakeholder:

The other thing I wrote to the board early in the first meeting, in April of 2001, was a precautionary statement directed to Bill deBuys, that said the people who come to these meetings are the environmental community.

The ranchers don't come; they don't have the time, and the meetings are usually too far away from where their workplace is, and they don't come.

(Interview, February 2005)

Koontz et al. (2004, 116) list domination by environmental groups as a cause of poor participation by other members of the public. As just referenced, a standard avenue for public participation is the public meeting. The board meets often with the public, usually about every month, and generally there is good attendance at these meetings. However, various external stakeholders state frustration at the lack of sufficient notice of meeting dates, times, locations and agendas. Further, many have complained that the meetings are not held at convenient times for members of the working public. Of all public meetings held in 2001-2005, twenty-seven have readily available minutes. All twenty-seven of these meetings were held during a weekday. Of these twenty-seven sets of minutes, twenty of them include the time the meeting was held. And only four of the twenty were held during nontraditional business hours (after 5:00 p.m.). However, the three meetings which closed out 2005 were all held at 6:00 p.m. or later, possibly indicating a response to the public's desires. Also, from the very beginning, the Trust has effectively moved the public meetings around the state, holding them in more than five different cities or towns. But one trustee had this to say about the public meeting process:

I think the public meeting stuff, I don't think that has been particularly productive in most cases. Enormously time-consuming not only for the board and the staff and the public. I am not sure the communication merits the effort. We are communicating to a very small, vocal group. The meetings are held at times inappropriate for working people to attend. Either way you've got a skewed audience. One of my objectives in the next year or so is to work with the board to try to find more efficient and productive ways of communicating than we have so far. (Interview, February 2005)

Generally speaking and over time, public participation in environmental and natural resource management becomes dominated by individuals and groups most interested in extended planning processes. However, broad-based attendance including by local citizens increases whenever controversial issues are addressed (Koontz et al. 2004). This seems to be the case in the Valles Caldera National Preserve as well:

I think there are some who stay for the big picture and bigger issues. I think the ones who wander in...there are basically two groups. The groups like the Coalition are there on a regular basis. It seems like there is a handful of players that are there all the time, who you can predict will be there. Then depending upon the issue you will see some show up on a regular basis, depending. If it is a grazing issue you will see a larger representation of the cattlemen's association. (Interview, September 2004)

The Valles Caldera Coalition is present at all public meetings. Discussion and votes concerning grazing issues draw the largest crowds.

## Responsiveness to National Interests

Clearly there is a strong emphasis on local representation and local interests in the Valles Caldera Preservation Act. Importantly, there are two sides to the local versus national accountability and responsiveness issue. As early as the original listening sessions in 2001, the members of the public made it clear that they were conflicted on this topic. The summary of the listening sessions emphasizes that although stakeholders recognize the need to balance various interests, they would also like to include local voices and to see decisions which recognize local needs (Moore 2001, 5). In contrast, Martin Little, a member of the public from California, “hoped the Trust would remember that a national preserve is a national property equally owned by every citizen in the United States. Whether they ever visit it or use it, use it up, or traffic it, or whatever they might do, they still have every right to cherish it and care about how it is protected.” Little asked that input be heard not just locally, but from all over the country (Valles Caldera Trust Public Board Meeting Minutes, Apr. 17, 2002). There has been a history of environmental, conservation and recreation organizations worrying about relinquishing national public lands to local control. Some have viewed the charter forest initiative as undercutting democratic principles as control is decentralized (Little et al. 2005, 36). The Quincy Library Group, named for the location in which it met in Quincy, California, sought local control of forestry issues in an attempt to end the stalemate between loggers and environmentalists. However, national environmental groups were angered by the Group’s effort to seek congressional action:

“We don't believe that Congress should be deciding the course of action for individual national forests,” says Barbara Boyle, of the Sierra Club.

“Congress should set policy, but forest management should be left to the Forest Service. And why should a small group of local people determine what happens to a forest that belongs to everyone in the whole country?”

(Kiester 1999, 4)

It is obvious that the influential Senator Domenici, on whom Baca Ranch acquisition hinged, would not have supported the Valles Caldera experiment without the emphasis on local control of the land and resources. And as one key participant involved from day one emphasized, it was local residents that pushed for and made acquisition happen:

And so one of the guys says, well all politics is local. And I was like, yeah, right. I have been on the Hill, I know better. But this was one of those amazing times when people actually made this happen. It was one of the most amazing lessons in democracy that you will ever see. Because Senator Domenici did not want to [create more federal land in New Mexico], he absolutely did not want to do this. And I truly believe that it was the groundswell of support from not only New Mexico but other, you know, interest groups that brought him to the place where...he didn't want to be on the wrong side of this issue, and decided that he needed to do something to make it happen in a way that he could support. So I see this as an incredible success from the standpoint of, you know, the people's will was actually done here. (Interview, February 2005)

There is evidence that although the members of the environmental community are somewhat worried about the decidedly local focus of the Preserve and Trust, they are at

the same time willing to give it a try. One such stakeholder, who told me he was “watching closely,” also stated:

I am one of those people who doesn't necessarily think that a local focus is necessarily negative. I think that, you know, public accountability is important, but I still think you can do that with a kind of locally-based decision process. And often times I think that maybe there's more stake in long-term management, long-term sustainability when you do have more local voices. And I think it's particularly salient around here where, like I said, there is a long history of land-based communities using lands that were in many cases land grants that are now public lands.... And again, these are people with a long-term stake in the health of the land. I think they really care about it. Ranchers, timber cutters, yeah, but it doesn't mean that they don't care about it. (Interview, September 2004)

Other external observers stated that the most important thing is to be accountable to the land. In other words, the board could be the most responsive and accountable to both local and national citizens by “doing right by the land” (Interview, February 2005).

There is a strong sense that responsiveness is best defined by outcomes, by successful implementation of the goals of the Preserve as laid out by the Preservation Act. A true measure of responsiveness, for local and national environmentalist groups, is to do no harm to the land (or even improve the land).

The Valles Caldera Coalition, whose members include local chapters of national environmental and conservation organizations, believes one of its responsibilities is to

advance national interests before the Valles Caldera board and staff. One individual of the Coalition told me:

I feel strongly that national should be represented because it's a national Preserve, because it was federal money. And, because...what do I want to say...probably kind of like ecosystem monitoring, there's a scaling impact, right? One can stabilize the other. And there are places where I am not sure at all that I'd be happy having local appointed people administering and setting policy for public lands. And by the same token there are administrations at the national level that I would not be happy at all making the appointments. But if you have strong local influence you can counter balance the national thing and vice versa. And there's probably a stabilizing, steadying effect to that. (Interview, September 2004)

This idea of complementary and balancing influence or responsiveness is reflected by a former Valles Caldera senior staff member. The staff member argues that it is very important to interact with local people, involve them in the effort, and help them experience the land so that they will grow to love and fight for it. But at the same time, the management effort must be integrated into the larger whole; the Valles Caldera Trust must be aware of the role it plays in the larger, national, lands management picture (Interview, February 2005).

Other board and staff members have also agreed that, as a federal land holding, it is important to be accountable and responsive to the larger U.S. population. Many trustees stated that responsiveness on a national scale is important, but is on the

backburner at this time. The national audience is not less important; rather it is a goal of the board to build local relationships first:

...if we don't have the support of the surrounding community, if they don't buy into it...the reality is that we've got to get that local support right now. If we get that infrastructure in place, and we can accommodate more people and use, I think that's when even the board itself can expand. But right now, you know, I feel it's absolutely essential to have credibility with the community. (Interview, September 2004)

Another board member sees the national audience as an untapped market to help the Preserve meet its economic self-sufficiency goal. He explains that a very big part of the market is non-local, and that individuals and organizations outside the region can probably afford to pay a little more. Further, the uniqueness of the Preserve may prove more attractive to those from outside the Southwest (Interview, February 2005).

The board and staff have certain tools at their disposal to assure responsiveness to the national community. One high-level staffer talked about internal accountability and responsiveness: "Even the model itself. I think when we the staff look at it, we see very clearly some opportunities to have a national impact in terms of...the way I read the legislation, we are supposed to try to create a model that other land agencies might be able to use. To us that kind of seems like a national perspective" (Interview, September 2004). As discussed later in the chapter, responsiveness can also be generated by effective appointments to the board. Although it has not always been the case, two of the seven presidential appointees may be from outside the state of New Mexico. Further, even those from the state may have gained experience in various aspects of natural

resource management nationally or in other U.S. regions. At least one subject questioned the local emphasis:

Thinking back, I question as to whether that was the wisest choice, to force the five members to be appointed from New Mexico. I also understand the rationale behind it. This was supposed to be a more locally-controlled or more locally-focused board. But I think we have, in doing that, we have limited ourselves on the availability of high quality and high profile individuals that can really make this thing have success. So it was a balancing act and I think the jury is still out on whether that was the right approach or not. (Interview, September 2004)

Finally, the two ex-officio members, as a national park superintendent and a national forest supervisor, play an important role in national responsiveness. They bring an organizational and practical perspective, as well as a thorough understanding of federal public lands regulations. They also have a wealth of institutional memory acquired by their respective organizations as to what does and does not work. One board member told me she has “learned a lot from the national perspective” the two ex-officio members bring (Interview, September 2004). Another stated:

Having those federal professionals on the board has helped a lot because they have a lot of experience in federal government—and we are part of the federal government—that our citizen-members need to hear from, need to get the benefit of. And they have been outstanding people, by the way, so they've helped us a lot. And they are ex-officio, but they are full voting members. It is not that their responsibility or their authority as board

members is in any way less than the appointed members. (Interview, September 2004)

It is worth noting that national and local interests have come into conflict. The most notable situation concerns policies and procedures surrounding the hunting of elk on the Preserve. In 2002, the Trust generated almost \$400,000 from a combination of permit auctions and a lottery; no other Preserve activity comes close in generating so much revenue. However, although the Trust is responsible for managing the land, the elk herd—according to the Valles Caldera Preservation Act—belongs to New Mexico, and the state Fish and Game Department is responsible for its management. In 2004 the New Mexico Attorney General issued an opinion that the Trust's hunt policy violates a 1997 state law requiring that seventy-eight percent of hunting permits be issued to New Mexico residents. As New Mexico residents buy significantly fewer lottery tickets than out of state residents, the Valles Caldera hunting revenues are now much lower. Perhaps more importantly, this case emphasizes the inability of the Trust to manage a natural resource found within its boundaries for the larger citizenry, but rather must cater to New Mexicans. Many other Western states have similar laws; many of these have been overturned in U.S. courts. It is expected that such a suit will be brought against New Mexico in the near future as well.

#### Employment of Active Partnerships

There exist examples in northern New Mexico of ranches guided by conservation principles and which experiment with federal, state, private and non-governmental organization partnerships. This has somewhat redefined the cultural and social nature of

ranching in the region (Fairfax et al. 2004, 469). In this context, the Valles Caldera National Preserve can be considered a variation on this theme, with government taking the organizational lead. Koontz et al. (2004) present case studies in which the government leads the collaborative effort in environmental and natural resources management. They also state that collaboration varies among the federal public lands agencies, with the least sued, the National Park Service, being the least responsive to calls for collaboration (12).

The Trust has made much progress in building partnerships with various individuals and organizations in the region. Most importantly, it relies on federal agencies (Park Service, Forest Service, Bureau of Land Management, Los Alamos National Laboratories) for much of the work of managing the Preserve; indeed, it sees this as the only way to survive politically and meet the economic self-sufficiency goal. There are examples of the Trust receiving other federal experts on detail for periods of three months or more; such short-term staffers have served as interim executive directors or helped the Trust develop its National Environmental Policy Act procedures. One senior staffer emphasized, “Again, because we are a very small staff and have to be a small staff, we have to rely on other folks for that expertise, absolutely. And again, the volunteers to get work done because there is no way, particularly with the financially self-sustaining, that we can do it, you know, with the staff we have. There's just no way” (Interview, September 2004).

There is also an understanding—as with the other federal land agencies as they have matured—that natural resource and environmental decisions must be made on landscape or watershed scale. One board member expressed worry about the Trust

becoming too insular. An important role for this member was to remind the board that the Park Service and Forest Service have learned they cannot manage things individually, that it has to be done on a larger scale. This board member tells the group periodically, “Well, you know, maybe we should look at this as a [partnership with others],” and feels that is the only way any land management agency is going to survive (Interview, September 2004). Another board member adds:

Yes, I think it is very important that there be partnering with other federal, state and other entities that are surrounding because the landscape, you know, is just this arbitrary square box. Hard to know that you are the center of the Jemez Mountains, and the whole system is much more interconnected. Elk travel across those boundaries. Elk is probably the poster child for this sort of inter...the need for landscape scale integration and multiple agency integration. Because, it moves; it goes from National Park to National Forest to the Valles Caldera to tribal, you know, its cutting across all those boundaries. The management of it has to be...the only way the elk problem or opportunities are going to be worked out is with the collaboration. There's no way that the Valles Caldera can just in isolation deal with the elk situation in a rational way. There's got to be multiple partners. And that goes for other things as well: recreation, management of people and recreation. And water, we're the headwaters of the Jemez River. Our water goes down through the Jemez canyons and, you know, is the lifeblood for the Pueblos, the Jemez Pueblo and Zia, and on down. And so any issues of water are going to be related to all those

downstream. Absolutely, it's got to be some sort of integrated partnership approach. That's part of...I think that is at the heart of the experiment, is the idea of collaboration and cooperation among multiple entities. How can you do that better, you know? Instead of stovepiping the way it's worked in the Forest Service, Park Service. If you have a board that is appointed from different segments of the community and actually bringing some representation and connection to those other agencies and communities and organizations, you have more of a mechanism for it to work, breaking out of the stovepipe. (Interview, September 2004)

Indeed, much of the Preserve's partnerships surround its scientific research, inventory and monitoring program. Many of the board members interviewed emphasized federal and state agency partners for examining and managing the science interactions in the Jemez region. Many also recognized universities as great sources of expertise; they also stressed the Valles Caldera as an excellent laboratory for academic research in such fields as wildlife, archeology, and rangeland science. For example, in 2005, the Trust signed a memorandum of understanding with the Los Alamos National Laboratories. The agreement, which is to last ten years, has Laboratories personnel donating \$180,000 in in-kind services and grants for elk management studies and the development of a geology map (Valles Caldera Trust Public Board Meeting Minutes, May 25, 2005).

In addition, the Trust has partnered effectively with the neighboring Pueblos. One such win-win arrangement has Puebloans providing labor on such projects as forest thinning, and in return the Pueblo gains economically through the creation of forest products. One Pueblo leader told me:

Yeah, it wasn't as open as I think it is now that we are working government to government, since the government has it, and we are a sovereign nation. Governments get together. I think from the time of purchase, the [deleted] Pueblo was pretty involved. They were advocates, they testified to Congress to purchase the land, the federal government. And I think that pretty much helped out. It's in federal hands now, and we have more easy access now. There are still certain limitations and stipulations we have to follow. Which is good, you know. (Interview, February 2005)

And a local newspaper has a member of the Santa Clara Pueblo stating, "Now, with the federal government's purchase of the land, it has become 'something that we're all going to have to share as a community, as friends'" (Los Alamos Monitor 2002).

All major Preserve documents stress the importance of collaborative relationships. The comprehensive management framework (Valles Caldera National Preserve 2005d) stresses that the Trust must develop "strong, long-term relationships with partner agencies, tribes, civic organizations, surrounding communities, and the scientific community" (73). The interpretive master plan (Valles Caldera National Preserve 2005e) stresses that community partnerships can assist in the interpretation and delivery of Preserve messages (28). And the Caldera's National Environmental Policy Act procedures (deBuys 2003) state, "It is the intent of the Trust to maintain open and collaborative working relationships among all interested and affected citizens, Tribal governments, federal and state agencies, and others during the consideration, implementation, and monitoring of all stewardship actions" (42469).

However, it is the environmental, conservation and recreation groups and local community members who feel the most left out. Feedback from the early and comprehensive management framework listening sessions, from public board meetings, and in newspaper editorials demonstrates a willingness of these groups and concerned citizens to contribute and help. Summary notes detail hope for a new, more beneficial working relationship between the local communities and the Preserve. Further, participants hope the Board will understand the special culture and history of northern New Mexico (Valles Caldera Trust Listening Session Summary, Mar. 10, 2001). Abe Jacobson of Los Alamos, at the same meeting, stated the board has “an opportunity for real innovation in resource and land management,” and suggested partnerships with non-governmental organizations in a variety of scientific and programmatic activities as one possibility (Los Alamos Monitor 2001). More than three years later, at virtually all the listening sessions held to solicit comments on the comprehensive management framework, this same community partnerships theme is reiterated. Many individuals and groups are feeling disenfranchised. One stakeholder told me, “Well, we’d like to see it as partnership. But sometimes, especially in the recreation area, all we see is them versus us. It doesn’t seem like a partnership. We would like to see that changed” (Interview, February 2006). Another nonprofit leader stated:

I have this sense that we are perceived as—well, we are a watchdog organization—perceived as sniping, you know, at them. And I really think they could be using us. I mean I do a hell of a lot of networking, and I do a lot of research in the interest of getting good information up to them, and pull together positions they might be able to use. And if they would tell

me what they are researching, you know, somebody else is paying my salary, I could do a lot of work for them. And you know, it's kind of like you've got a dog at your heels, give it something to do [laughing].

(Interview, September 2006)

Many stakeholders are willing to provide help, and the Trust needs to leverage external sources such as these better. This would create a sense of ownership for the place, aid with the lack of resources, and help accomplish some of the tremendous work load. As a former high-level staff member stated, "...at the same time allowing people to experience [the Preserve] so that they really do understand it, so that they do experience it, and then they will fight to protect it for the future" (Interview, February 2005).

The Trust has trouble maintaining and cultivating long-term collaboration, according to some stakeholders and staff members, and to an expert external evaluator (Personal Correspondence, February 2005). There is a lack of follow-through which is hampered by having many different balls in the air. One senior staffer indicated that longer-term relationships need to be refined:

I don't know necessarily if partnership is the right word...I think less direct relationships that need to be developed probably further are with the local Pueblos.... So those four Pueblos probably, you know, there may need to be a greater degree of interaction there than there has been. And also, the counties.... I guess those three counties, probably, to a greater degree of interaction there, to really build to a successful conclusion. (Interview, September 2005)

It is apparent that the Trust needs to reexamine its commitment to partnerships with non-federal and state entities. As of now, the lack of serious engagement with local communities and non-governmental organizations is hampering a deeper sense of responsiveness. Stakeholders are hungry for involvement; engagement in turn will build trust and ownership.

Gathering Data and Sources of Knowledge / Monitoring and Performance Standards as Responsiveness Tools

In the course of data collection and analysis, it became obvious that these two variables are intrinsically linked. In fact, the Valles Caldera Trust employs a Research, Inventory and Monitoring program designed to first create baseline data and second develop feedback loops for the purpose of informing management. The board has adopted science-based adaptive management as the official protocol for landscape and natural resource decision-making. According to the Trust's comprehensive management framework (Valles Caldera National Preserve 2005d):

Inherent in adaptive management is a commitment to apply the scientific method to the experimental problems. This includes formulating and testing a priori hypotheses; the use of control sites where a particular management action is not imposed, in order to distinguish the management effects; the establishment of replicate study sites for statistical analysis of treatment effects; and peer review by other scientists to evaluate the scientific results. When appropriate, this also includes economic and social analysis. (61)

It is hard to argue against such an approach to managing a public land, and Dinah Bear (2003), General Counsel of the President's Council on Environmental Quality, argues such an approach epitomizes the original intent of the National Environmental Policy Act.

### *Sharing of Information with the Public*

The Trust has struggled mightily to implement adaptive management. The first aspect involves how it shares information with the public. According to one trustee:

I think it's got to be a balance, the vision I had for this and other people who have worked with us closely on trying to build a science component into the management. It's about quality information and knowledge acquisition about the land and the resources that you are managing, and the dispersal and free access and transparency of that information to the public. So it's not just about doing science for science's sake, certainly, and not just about doing science to do better management. It's about doing science in a way that brings the public into it and allows the public to see the information, to see the information that the scientists are seeing.... But it's not enough just inventorying and getting this in GIS maps, its essential to make that information available, so that the facts and the information upon which management is based is not just being read and studied and interpreted by a band of managers and the scientists. But the public has it too. And we are a long ways from getting there, because it's not readily available. (Interview, September 2004)

The Trust has not been successful in sharing information. From almost its inception, the board and staff members have been promising to share monitoring and inventory reports with the public. Further, they have promised to provide the raw data so those external to the organization, whether they be scientists or non-technical members of the public, could examine the information and reach their own (and possibly contradictory) conclusions. The Trust has relied almost exclusively on the Internet and the Valles Caldera National Preserve website as a means for distributing these data and information, but as of April 2006 very little appears there, and the science segment of the website states, “This section is currently under construction but will contain public data that researchers and students can use” (Valles Caldera National Preserve 2005a). And this is after Rob Dixon, the Trust’s webmaster, promised the science data would be up on the website in January of 2005 (Valles Caldera Trust Public Board Meeting Minutes, Dec. 3, 2004). To be fair, some data, such as that involving grassland monitoring, is available through contractors who provided the work on the Preserve. Also, as part of its National Environmental Policy Act procedures, the Trust is required to include monitoring data in its documentation of a proposed action within what it calls the Stewardship Action Record System, the database of proposed, ongoing, and completed activities. One observer told me, “Technically the [Stewardship Action Record System] is supposed to include documentation about the observations from one year and how it’s applied to the management decisions the next year. So far that hasn’t happened” (Interview, September 2004).

Various external stakeholders relayed in personal interviews that there is a sense of frustration with this unfulfilled promise. This is especially true because of the limited-

access nature of the Preserve; members of the public are not free at any time to go and observe the state of the natural resources and any effects of Trust policies on the landscape. As a letter to the editor stated in early 2003:

A [Bureau of Land Management] manager indicates, “Sufficient forage exists to support livestock grazing if properly managed.” Where is this proper management document?... Methinks I smell the stink of the good old boy system of ranching interests in New Mexico, forever telling us that they are good stewards of the land, if we will leave them alone to do what only they know is best for the land. (Reeves 2003)

This same frustration was also evident in personal correspondence concerning the agenda for an upcoming public meeting in which decisions on grazing would be made:

[Preserve Chief Scientist] Bob Parmenter says that he will be presenting most if not all of [the environmental data relevant to grazing impacts] to the board during its working session on Thursday, that it would be up to them how much to present in public, and that he would be happy to schedule a presentation for the public early next year, pending approval from the board.... The Interim Grazing [Environmental Assessment] do [sic] make a commitment to monitoring that includes “data summaries” and “year-end monitoring review.” These should arguably be available to the public as well as the board. (Personal Correspondence, December 2005)

This has led many members of the public to question such statements found in the Trust’s comprehensive management framework (Valles Caldera National Preserve 2005d) as,

“...both the monitoring data and the learning it generates will be shared freely with the public” (129) and:

By making its monitoring data generally available, the trust looks forward to an informed public dialogue about the impacts of its program and about the continuing ecological dynamism of the preserve. This dialogue should be like none other concerning public lands, for it will be thoroughly founded on hard, verifiable information, not merely on anecdote and opinion.” (79)

Many of those I interviewed equate the lack of responsiveness to requests for the sharing of data with a distrust of the general management of and operations on the Preserve.

### *A Role for the Public*

Another struggle the board and staff face is how to balance scientific information generated by experts with that provided by the public. As discussed previously, concerns about expert versus public loci of decision-making is nothing new in our federal public land areas. But this is also a problem the management arrangement of Valles Caldera National Preserve was meant to circumvent. As one board member put it:

And we need to get information from communities and interest groups. How they are feeling. It's a political process in the same way that a congress...I mean I think of our board as a mini-congress for the Valles Caldera. And I think that is really what the legislation contemplates with the delineation of these seven areas of background for the appointees and

then the managers of the two adjacent federal properties. And so we need to think of ourselves like a congress. (Interview, September 2004)

This vision is strongly contrasted by another trustee (both serving on the board at the same time) when asked about public input:

It's a problem for me because I am happy to hear from them, I want to understand where they are coming from, and sometimes they say something and you say, oh, I never thought of it in that way. But on the other hand, it's really not going to change my opinion about what needs to happen. They don't have the big picture of what we have to balance. And there's sometimes they are not going to change my mind. (Interview, September 2004)

A danger exists if the Trust relies only on scientific experts and excludes the public. If the worth of non-technical stakeholders is minimized, the opportunity to develop ownership and achieve consensus among the public is reduced. It will also become more difficult to reengage external stakeholders at a later date, when their input, time and other resources may be needed (Koontz 2004, 115 and 124).

The utilization of public information in natural resource management is an integral part of the responsiveness equation. Science has evolved to the extent where it can now tell us a lot about the biophysical world. The Trust, because of the unique opportunity of a newly-acquired federal landholding which could be closed to the public, spent the first two years of the Preserve's existence performing a detailed inventory. Almost everyone with whom I spoke celebrates this commitment to baseline data with the purpose of understanding the effects of various management decisions. This kind of

information is most helpful with “black and white” decision-making, when one alternative is clearly favorable over another. Also, almost everyone believes that the Trust board and staff members have the best interest of the land at heart. However, it doesn’t take long to realize much disagreement exists concerning an appropriate vision, carrying capacity, and mix of uses for the Preserve. Science does not do quite as well at valuing the trade-offs that must occur on the Valles Caldera. AldrichPears Associates, the contractors who authored the interpretative master plan for the Trust, summarize this point by quoting David N. Cole, research biologist at the Aldo Leopold Wilderness Research Institute: “Science has been especially helpful to management...however, at the core of the carrying capacity issue are value-based decisions about what ought to be and managers still struggle with these decisions. Science is less equipped to contribute to decisions about values” (Valles Caldera National Preserve 2005e, 14). One participant-observer adds, “But it is science’s job to make sure the tradeoffs are explicit” (Interview, February 2005).

Many external stakeholders have provided unsolicited information to Preserve staff and trustees. For example, the Sierra Club has been examining the issue of using poison to eradicate nonnative fish species. Another member of the public said:

I have provided [the trustees] with facts the staff hasn’t provided them with...when [a board member at a public meeting] asked if there was any more information available for making the Toledo decision, and [Preserve manager] Dennis [Trujillo] said no, I said, “Well, there’s this, this and this. And here’s an example of what is available from this researcher.”  
(Interview, September 2004)

In another controversy-laden grazing decision, all but one board member voted in favor of a steer-only program, one which did not sit favorably with either local ranchers or conservationists. As if to drive home the point that the community is hungry to participate, Marty Peale, coordinator of the Valles Caldera Coalition, was quoted as saying the vote “looks like something made by people who are exhausted and in survival mode. I hope we’re not that desperate. If they would let the public in, they wouldn’t have to be doing it alone. There wouldn’t be such desperate and oversimplified solutions to the problems they’re facing—and that we could all be facing together” (Paskus 2006).

To be fair, the Preserve staff has employed the use of ad hoc external advisory groups, some comprised of experts, some of citizens, and some of both. These committees have provided input mostly on recreation and grazing programs. And the Trust has to be careful to follow the requirements of Federal Advisory Committee Act, the purpose of which is to ensure advice rendered to the executive branch by the various advisory committees, task forces, boards, and commissions be both objective and accessible to the public. But this method of external involvement has been far from comprehensive or opened to the general public.

### *Science Informs Management*

There is also some question concerning the utility of the research performed for informing the world of practice. One staff member told me the data are not in any sort of format that is easily digestible by land managers. And a participant-observer states:

The linkage between the research and the science and the management decisions, is, in my view, very weak. They don’t have mechanisms for

taking in the data, assimilating it, interpreting it, turning it into something.

They have not defined their ecological objectives or their ranching objectives, so it's really impossible to balance the values. In my view they have a lot of information of how this is working, and it hasn't been used.

It's easily criticized because it's not very tight. (Interview, February 2005)

And a board member agrees:

The science that goes on should help us make decisions, and should be meaningful about that place. Making sure that happens has been difficult.

I am not sure if the original board meant that science-based adaptive management should trump everything else. But for me it means all the sciences, social sciences, political sciences, economics, and I am not sure that was the original interpretation of this bill. But to me the only way we are going to be successful...is to take all that into consideration.

(Interview, September 2004)

Almost a year later (Interview, September 2005) the same board member stated the board will make the science program, especially the way it informs both management and the public, a priority for the coming year. The board member emphasized that the science program must finish what it starts, and that it must not simply "do science for science's sake."

Some members of the public have the perception that the latter is occurring. Both staff members and external stakeholders have referred to the Preserve as a "park for PhDs." Indeed, especially during the first few years of existence, when the biophysical inventory projects were underway, scientists had almost unlimited access to the Caldera,

and the general public was excluded as the Preserve gate was closed. Several interviewees referred to the science program as big “S”, a label for basic research, and gave examples such as lichen and butterfly studies. Instead, they would rather see little “s” or applied research to inform management. The danger exists for the tail to wag the dog, so to speak. One stakeholder told me, “That is not really what this is about. Not to create a science park. It was to create a mechanism for improved management so you wouldn’t have long-term, unforeseen consequences, ecological consequences, and you’d be able to share the place with lots of different people, lots of different users” (Interview, February 2005). Another external stakeholder phrased it this way:

And one of the things that [the chair] wanted to do was to build this research center where researchers could come and study. You know, study what? My conception of the science that ought to take place on this ranch is the science of range management. And every science project ought to have a direction toward the bottom line. And if people want to come and do science for the sake of science they should pay a hell of a big fee to do that.... Because each one of those projects requires somebody’s time on the payroll. Those aren’t free, even though they agree to come in. And what do we get back? Is it something we can use? (Interview, February 2005)

All of the trustees involved from day one agree that this was supposed to be a marriage of the science and the management. And on paper, it is just that: the decision to include a chief scientist in the core of senior staffers was an attempt to have the scientists and the managers work side-by-side on a regular basis. The staff researcher is not an

unprecedented position among the federal land management bureaucracies, but with rare exceptions, these positions are located external to the management function (with the desire to keep science independent and reduce the risk of cooption). And a place-based scientist is almost unheard of around the U.S. As one scientist and participant-observer stated:

To inform the management, that is the purpose, and [the Preserve chief scientist's] job...the key elements of his job are to provide the information that the management needs. That's the top tier of things. And if he's got time and energy left over to facilitate, you know, big science stuff, that's great, but he's got to make sure he's covering the home base there in terms of what the managers and the board need. And so I think this is going to be a really pivotal year.... (Interview, February 2005)

But when pressed on the issue of science informing management, the same subject had this to say: “Are they just blowing smoke at us? They’re collecting information; are they even looking at it? And in some cases, no. That is another issue. Like all the range monitoring data: they’ve collected tons of data, but they haven’t really looked at it as carefully as they needed to” (Interview, February 2005).

This lack of a scientific approach to decision-making was quite evident in the discussion leading up to the vote for the 2006 interim grazing program. At a public board meeting in September of 2005—about five years after the Baca Ranch was purchased—the chief scientist stated that the data requirements for forage utilization would be undertaken during the next year. To this the chair responded that the Trust has monitored cattle very carefully, and has detailed records. This prompted a member of the public to

commend the Preserve scientist, but then to ask that more actual data be available to the public. And the chair of the Valles Caldera Coalition suggested that the Trust continue to make interim decisions on the grazing plan “to let the science catch up with the decision-making” (Valles Caldera Trust Public Meeting Minutes, Sept. 6, 2005).

Two months later, again at a public board meeting, members of the public expressed much displeasure in the lack of analysis done by the board and staff leading up to a vote on which grazing alternative to implement. As reported in the Los Alamos Monitor:

Discussions bogged down when it came to calculating income and expenses. Although Hephner was able to provide the basic numbers and the relative losses in each case, there remained many questions from the audience. "Did you run these numbers before?" asked Susan Hunter, an interested citizen. "Nobody even brought a calculator." "I'm just as irritated that I don't have exact numbers," said board member Barbara Johnson. (Snodgrass 2005)

This led board member Ray Loretto to state, “I withdraw the motion until the December [public] meeting, to gather data. That would be professional. Allows us to take to heart what we’ve heard tonight, make our final decision in December” (Valles Caldera Trust Public Meeting Minutes, Nov. 5, 2005). Clearly, uncertainty exists concerning the role of scientific adaptive management in the actual management decision-making.

### *Social Science Research*

In a special issue of *Society and Natural Resources* dedicated to such concepts, Gragson and Grove (2006) lament a lack of social science research in long-term ecological research. They call for focused attention on “coupled human-biophysical systems,” stating that it is not enough to consider only biological and physical systems in isolation from human influence. The Trust, in its comprehensive management framework, also stresses the importance of understanding human factors in the Preserve. The document states such “social variables” as visitor satisfaction and perceptions, as well as local economic impacts, are to be considered (Valles Caldera National Preserve 2005d, 133). It also defines monitoring to include both visitor satisfaction and landscape impacts (107). Further, “Monitoring is by no means restricted to biological variables. The trust is also monitoring the reaction of participants to the programs of the trust to learn what level of satisfaction the visitor experience produced and to solicit recommendations for improvement” (131). As stated previously, biophysical science can tell one a lot about the biophysical world; it does a much poorer job of evaluating the competing values of various stakeholders.

Arguments have been made that both Valles Caldera staff and external researchers have focused on biophysical examinations to date (Little 2005). Internally, the Preserve staff does collect user-satisfaction information through surveys. But no one I spoke with could tell me how these data are used. One Valles Caldera staff member, who stressed the importance of social information and claimed social science research as an interest, responded:

They won't give me any money. That same perception is in the Park Service and Forest Service. We study a tree to death. We know its age, we know how many, we know how far apart they are, we know what diseases they have. We study a tree to death, so the environment is studied intensely. But we miss the boat on social science. And I thought I could make a difference here. But I haven't. They won't give me any money. Well, studying the elk herd is more important than understanding the demographics of people, or the sense of place of people. Bah humbug! Are you going to pay for this place? Not with elk studies—it's going to be with social science. I mean any business has to study its market. We haven't done that. We're missing the boat. (Interview, February 2005)

A senior staff member, when asked about the role of social science research, stated:

Critically important. We were talking about that the other day, as we are doing this inventory, and one of our limiting factors again has been the finances that we had to start off with, which are very, very limited. You know optimally having all of those social science questions being asked from the very beginning too. You know the very questions you are asking me right now. But doing it in a more systematic and defined way is critical to the success of this. Because if we don't know what those questions are, and we are not asking them, then how do we know what the real influences are, you know, after we have been there for ten years. So we are really looking at that and realizing that is a big hole right now. And how do we fill that either by bringing people on staff or by

contracting out to get that holistic approach to those issues that complement the science issues. They aren't contrary, but complement it.

(Interview, February 2005)

It is worth mentioning that these two employees are no longer with the Preserve, although it is unlikely, at least with the senior staffer, that the lack of emphasis on social science research was a deciding factor to leave.

In 2004, \$975,845 of the \$5,733,741 Valles Caldera operating budget, or seventeen percent, was dedicated to research, inventory, and monitoring projects (Valles Caldera National Preserve 2004, 37). Additionally, the Trust estimates total extramural funding committed to the Trust that same year (and to be used to conduct research programs over ten years) to be greater than \$2.5 million. Yet a lack of funding and resources is often presented as an explanation for the lack of social science research.

External stakeholders are also concerned with the lack of attention to social needs and values. As early as 2002, members of the public were cautioning that the board was not following National Environmental Policy Act requirements because it was not analyzing social and economic impacts of its activities (Valles Caldera Trust Public Meeting Minutes, July 26, 2002). Many of the written comments submitted in response to the draft comprehensive management framework stressed the need for clearly defined social objectives, goals and monitoring (Valles Caldera National Preserve 2005d). One interviewee told me, "I think they don't consider it science, the social science part of it. I think they are not documenting what the social needs and perspectives and concerns are. I think it might be hard to quantify those anyway. But I think they should be documented. Because they are forces" (Interview, September 2005).

The Trust did include a social scientist on the panel for its cumulative effects workshop held during summer 2004. But it has a long way to go to systematically include social science in the research that informs or should inform management decisions. One could argue it is difficult to be responsive to public needs if there is a lack of understanding of those needs.

### *Comprehensive Management and Planning*

According to the enacting legislation, “Within two years after assumption of management responsibilities for the Preserve, the Trust shall...develop a comprehensive program for the management of lands, resources, and facilities within the Preserve to carry out the purposes....” [US PL 106-248, Sec. 108(d)(1)]. The Trust officially assumed full control of the Preserve on August 2, 2002, the date of a letter—signed by Ann Veneman, Secretary of the U.S. Department of Agriculture—authorizing the transfer from interim Forest Service management. The draft comprehensive management framework (Valles Caldera National Preserve 2005d), which the Trust developed to satisfy the comprehensive program requirement, was ready in early 2004. However, it took more than another year to have the final version ready, in May of 2005.

The framework states several purposes of the document, including presentation of long-term goals for the Preserve, identification of possible programs the Trust will consider, provision of strategic guidance and priorities, and sharing of information with the interested public (Valles Caldera National Preserve 2005d, 11). The document also adds, “Readers of this document will not find precise descriptions of future programs setting forth numbers of visitors to be accommodated, cattle to be grazed, or miles of

trails to be built. Instead this framework presents the values and vision the trust will apply in making future management decisions” (9). The Trust maintains that the planning and decision-making process it has developed since inception will be polished in the coming years, and with these components in place, the task of planning for the Preserve’s future can begin.

However, this line of reasoning and positioning was not enough to head off criticism from members of the interested public. As one stakeholder put it:

There’s absolutely nothing in the legislation that required for that book to be written. What is required at the end of two years is a management plan. Well, if you were the ranch manager, and somebody handed you that book, what would you do with it? A ranch manager would put it in the round file because it’s one hundred fifty pages of very verbose, flowery language...dream kind of stuff. (Interview, February 2005)

Another commented on the job the chair did as the principal author of the framework:

“[The chair] is an excellent writer and I think he covered some real neat things. But I am not sure that’s exactly what was needed up there in the way of a plan” (Interview, February 2005). Indeed, the Trust itself identifies the “need for more specific, substantive information about the Valles Caldera Trust’s objectives, commitments, priorities, and measurable outcomes” (Valles Caldera National Preserve 2005d, 167-68) as one of twelve public comment themes concerning the document.

Such criticisms are not limited to those external to the Trust. One staff member felt there was a lack of a holistic view, that the Trust was engaging in piecemeal management. This staff member also criticized the Board for avoiding long-range

decisions (Interview, September 2004). Another employee in September 2004, long after the draft had been released, said, “I am sure it will affect me. I am not sure how yet. I haven’t been involved in it. So I can’t say very much about it” (Interview). And finally, another staff member had this to say about the board:

And they really haven't made any hard decisions is the other part. They've done everything as interim. So they haven't had to say, to actually make those hard tradeoffs. Although the legislation says they are going to do a comprehensive program of management, you know what's been done is not what I would consider a comprehensive program of management.

(Interview, September 2004)

Perhaps the most damaging criticism comes from the Government Accountability Office. According the to the Valles Caldera Preservation Act, the Government Accountability Office is required to conduct an interim study of the activities of the Trust, which it released in November 2005 as GAO-06-98, “Valles Caldera: Trust Has Made Some Progress, but Needs to Do More to Meet Statutory Goals.” The report states the Trust cannot adequately plan, implement programs, or monitor progress toward meeting the mandated goals of the Act without a more effective management control program. The report adds:

To establish a more effective management control program, we are recommending that the Board develop a strategic and performance plan with measurable goals and objectives, a plan for becoming financially self-sustaining, performance monitoring mechanisms, and a plan for

timely replacement of personnel, prior to devoting additional resources to other activities. (United States Government Accountability Office 2005, 4)

The Government Accountability Office emphasizes the Trust is subject to the Government Performance and Results Act, which requires a strategic plan and an annual performance plan with measurable goals and objectives.

Valles Caldera Trust board and staff members have been left with the need to defend the comprehensive management framework document. One trustee put it this way:

One hopes that [the *Framework and Strategic Guidance for Comprehensive Management*] provides good guidance. Personally I think it's a very strong document. It lacks—but this is not being critical of it—it lacks specifics. But it shouldn't have specifics in my opinion. The goal now has got to be to develop those specifics.... We've got to figure out what we are going to do when we grow up. The broad picture is great, but the broad picture is not going to get us there. There's got to be decisions made, details, programs, infrastructure, what ever put into place, decided upon, financed, operated, managed, all those things. And without that the broad guidance isn't going to make any difference. I am optimistic. And I think it is written in a way that new board members should be able to buy into it. Now if it were more specific then it would be vulnerable to somebody going, there, we've got to change all that. So there are some advantages to having it broad and at a high level. I think, my read of it, it

would be hard for a new board member to have extensive, legitimate concerns about what is in that document. (Interview, February 2005)

And a senior staff member told me:

Programmatically, I think that the whole idea of a comprehensive management program is to me...some people think we were being very slow and we really weren't fulfilling what the law required in coming up a quote, comprehensive management program in two years. And I disagree completely. I think that the decision-making process in of itself is probably—you might even find some disagreement among the board as to whether we have done it—at any rate, I think the decision-making process that we came up with fulfilled that requirement and we did that in two years. The framework document I think was a necessary first step to fulfilling this notion of, let's look at this in a comprehensive way. And it's very qualitative. I mean, as you read it, there are no hard objectives or decisions in that document. It is a very qualitative work as to, this is the general direction we think this needs to go. This is the history, this is how we got here, this is...it kind of sets the stage. And I think that a lot of organizations, especially federal agencies, don't have that opportunity to step back and take this qualitative look at what they are doing. And I think that will give us the chance to really...or give the Trust the chance to really set a firm foundation for where we are headed. Let's look at it from a qualitative standpoint first. Now let's get in and start making some obtainable, measurable objectives that we need to do in various areas

within that framework. And so I think taking that first step is a success because I think it is a lot firmer foundation once we get to setting those measurable objectives.

However, the controversy over comprehensive planning has not abated in the two years since the comprehensive management framework was first introduced. As if foreshadowing, one senior staffer I interviewed in 2004 told me:

And it will be interesting to see first of all if there is the support and the consensus among the board members and the staff here to be able to make...the steps that we're planning to take this coming year is to do a comprehensive, integrated, stewardship plan that says, here's what we are going to do, who-what-where-when. Whether or not that can be pulled off I think will be very interesting. I think it's very much needed, and the philosophy in the past was, well we'll do a grazing plan, we will do recreation plan, we will do...and that's going to be comprehensive. We learned years ago...that that's not it. And you really have to bite the bullet and say, okay, how do you look at everything? (Interview, September 2004)

But yet near the end of 2005, the Trust found itself embroiled yet again in a controversy as it attempted to decide among alternative grazing options. In a series of personal communications in August of that year, various stakeholders stated that the Trust programs manager was talking about wanting to engage the public in developing landscape-scale objectives—ecological, economic and cultural—and then using the programs to achieve those objectives. A week later the board was talking only about

planning for grazing, although they were looking to include elk impacts as well and labeling it “forage utilization.” This prompted the Valles Caldera Coalition to issue a letter calling on the trustees to undertake integrated management (Personal Correspondence, August 23, 2005 and August 30, 2005). In fact, external stakeholder attempts to aid the development of a comprehensive management plan predate this latest controversy:

And also we more recently as a matter of several months ago proposed to help the Preserve develop conservation measures, essentially part of an adaptive management program that would develop sort of a systematic approach to adaptive management including the usual steps, you know: goal setting, development of objectives, identification of ecological and economic hypotheses, development of experiments and experimental design for testing those hypotheses, laying out management approaches, and then developing a monitoring program that's going to give us feedback as to how well those approaches are working. And we made a presentation to [Preserve chief scientist] Bob Parmenter and [Preserve financial officer] Rich Angstrom.... And it didn't take. And I am still not quite sure why. I sort of wish I knew, because I thought it was a good opportunity for, again, another partnership. And I think, what I heard from Bob and Rich, is that they felt they had so many mandates, so many people that they are answerable to, so much complexity to deal with, day-to-day crises, urgent matters that needed to be attended to, that they just

couldn't get into it. They couldn't step back and take this approach.

(Interview, September 2004)

As discussed previously, there is a real question if the science and research program is appropriately informing management. By extension, there is also a question of whether such information generated can also inform the development of a comprehensive plan. Koontz et al. (2004, 122) suggest that if so much of a research effort is devoted to basic understanding, rather than to resolving specific management questions, the research will not be valuable to the planning effort.

At a public board meeting on September 6, 2005, several members of the public stated their displeasure at the lack of comprehensive planning. Betsy Barnett of the local Sierra Club group cited the comprehensive management framework's assertion that no single goal should be pursued to the exclusion of others. She complained that the board was considering only grazing, and that it should bring recreation issues into balance with other goals as a part of integrated planning. Billy Stearn of Forest Guardians read a lengthy statement, and concluded by saying, "Forest Guardians feels strongly that the Valles Caldera Trust is putting the cart before the horse—or in this case, putting the cow before fish, elk, birds and streams" (Personal Observation).

Again, this left Trust board members defending their actions. One trustee told me the board and staff are restructuring the programs to integrate them into comprehensive planning, and what they are doing now will not preclude other activities (Interview, September 2005). Another added that grazing is not more important than others, but that it is the most broken and needs the most attention. This board member presented an analogy: a business should focus only on the product that is not selling, and not on all the

products. This trustee also added the only way to do a comprehensive plan is to shut down the place (Interview, September 2005). Such responses are likely to be less than satisfying to many members of the public, and leave them with a sense of helplessness at a lack of responsiveness.

#### Agency Leaders as Trusted Community Members

Very important is the sense of trust and respect that many members of the public have for the board members. This sense of trust exists for two major reasons. First, the trustees are well-known and accomplished in their respective fields. Second, many stakeholders view the trustees as members of the local community defined substantively or geographically. They have confidence that the board members will try to make decisions in the best interest of the region, unlike outsiders based in Washington. One concerned member of the public had this to say:

...the board is a who's who of Southwest natural resource professionals.

Tom Swetnam, his research has been incredible. His tree ring research is how we know the fire history of the Southwest.... Bill deBuys, I mean he is our environmental historian. We know the history of the environment in our state because of the work of guys like Bill and Tom Swetnam. You know, really innovative people like Barbara Johnson. And an awful lot of folks representing local issues. You know Tracy, and a number of the other folks.... Just like Stoddard, doing the financial stuff. There you don't want somebody who has spent their career studying trees; you almost want a CPA. So they really have done a good job of keeping it local,

because there's talent in the Southwest. And there are folks that are tuned into the issues. You know, David Yepa, from Jemez, who better to represent tribal issues than somebody from the Pueblo, who you know is sharp. (Interview, September 2004)

A former key Preserve staff member emphasized the role that former chairperson Bill deBuys played by offering, “Especially, I mean, what had brought the board a lot of credit in that regard is Bill deBuys. Plain and simple. He is well respected in the environmental community; he has been an active member of several environmental organizations around the state. So I think there is a great deal of respect and trust that was brought in with that appointment” (Interview, September 2004).

The board members themselves understand the good will and trust they have been handed by the public, and it means a lot to them. Many are worried about honoring that trust, and doing everything possible to keep the trust of the public:

...we were able to start with an enormous amount of capital, of good will.

And I hope we haven't wasted it. I think a lot of it is still there. And part of that is because, you know, most of the members of the board have been from the local community. We are talking to people every day, and we are seeing people socially, and keeping our friends informed. I mean, shoot, I answer questions about the Valles Caldera at the grocery store, you know, when I bump into people. Or at every party I go to, or every public event I go to, I answer questions. (Interview, September 2004)

Many board members echoed this idea that they are approachable and open. One in particular stated he has enjoyed getting to know stakeholders on a first-name basis, and is

proud to have members of the public call him on a first-name basis as well. Further, many of the external stakeholders with whom I spoke—whether from pueblos, federal agencies, environmental and recreation groups, or the ranching community—mentioned that they have had personal conversations with board and staff members. One congressional staffer labeled this as “public comments plus” (Interview, October 2004), referring to the approachability and accessibility of the board by the public. In fact, during the November 2005 Trust public meeting, the board went as far as to distribute a newsletter complete with personal contact information for each trustee.

Although he does question whether the decentralized management scheme of the Valles Caldera National Preserve leads to greater utilization of the market, Huffman (2004) does suggest great benefits of natural resource decisions made closer to those most affected (475). Koontz and his colleagues (2004) suggest that collaboration hinges on the ability of project leaders to build trust and reciprocity. They also add that environmental and natural resource decision-making that occurs under such a supportive environment can promote participatory democracy and deliberative practice through enhanced communication, the sharing of knowledge, and better understanding of the policy process by all actors. And such an approach may encourage faith in government and its ability to govern effectively. One long-time natural resources manager intimately involved with the Valles Caldera from before acquisition told me:

But just the coalition building, the consensus building, and how that influenced the political system, was amazing, it really was. And so in my current job, when I go home, that's kind of my job, the coalition building, partnerships, those kinds of things. Because I truly do believe that there's

a whole lot of potential there that we are not tapping if we just go our merry way and don't engage the people who want to support us and who do support us. If we don't engage them, you know, we are just losing out.

We are just missing out. (Interview, February 2005)

Clearly, the personal and local governance nature of the Valles Caldera Trust has served to enhance responsiveness to various stakeholders, and in turn to develop deliberative discourse and democracy.

### The Economic Self-Sufficiency Requirement and Responsiveness

Any understanding of responsiveness with the Valles Caldera National Preserve would not be complete without an examination of the financial self-sustainability requirement. The early designers of the national park and forest systems convinced Congress that public lands set aside could be self-sustaining and would eventually not require congressional appropriations (Fairfax 2004, 445). Of course the financial situation of U.S. federal lands has not played out this way; national parks and forests are underfunded and have significant and ongoing infrastructure and maintenance needs. As an individual associated with the crafting of the Valles Caldera Preservation Act stated:

But the reason [the financial self-sustainability requirement] was even put in there is because historically the federal land management agencies have been underfunded by Congress. And they will continue to be underfunded by Congress because the priorities of other social programs, because of the military, all of these things. You know, the Interior Department and the Forest Service are not ever going to make it to that highest priority of

federal funding. So this was just to experiment with and see if retaining the funds derived from the operations and allowing the board to make the decisions as to how they are spent rather than having them come back to Congress and then Congress re-appropriating out. To see if that could be developed into a more efficient system. And with the ultimate goal in being that the resources would be better managed because the funding would not be so dependent on Congress. (Interview, September 2004)

However, the Trust has struggled to even define the financial self-sustainability requirement. As the Act states, “The Trust shall prepare an annual budget with the goal of achieving a financially self-sustaining operation within 15 full fiscal years after the date of acquisition of the Baca Ranch...” [US PL 106-248, Sec. 106(e)(3)(A)]. Clearly, the act requires that operations be self-sustaining, but there is significant ambiguity about just what that means. One board member openly questioned just what the Act requires, and “bet that everyone has said that” (Interview, September 2004). Most board and staff members define operations as excluding such things as infrastructure development and “government overhead.” Overhead has been defined in differing ways, but usually includes such things as archeology investigations to clear areas for the creation of roadways, trails and buildings; Trust resources required to comply with National Environmental Policy Act procedures and other public participation requirements; ecosystem and habitat restoration; American Disability Act requirements; restoration and improvement of historical ranch buildings; and even maintenance costs. Immediate infrastructure needs of the Preserve include such things as road grading; bridge and

culvert replacement; restroom and parking facilities; and development of a potable drinking water supply. One senior staffer remarked:

I think, you know to be honest with you, I think that there are a lot of surprises for Domenici and the folks that crafted this. Because they looked at, when this was in private ownership, they were pretty much financially self-sustaining. What I think they didn't consider is that the minute that it goes to federal ownership, like that [snapping fingers], everything changes.... It's like everything changed the minute it when from private to federal, and I am not sure that folks clearly understood the effect. And so I do think that is going to be the hard part, with the federal, you know, NEPA analysis, public stuff that you don't do if you are a rancher. You don't have to make the public happy, you don't have to comply with environmental laws. So I think that is going to be a bigger challenge. (Interview, September 2004)

One board member reflected on the ability of the Trust to meet the economically self-sufficient goal:

I personally don't think...in the near future or even maybe the foreseeable future, it's unlikely that we will be able to generate decent revenues off the programs to be financially self-sufficient. We are going to have to find other sources of revenue: donations, endowments, gifts, merchandise, a whole variety of things if we are going to piece together the kind of operating budget it is going to take to manage the place. Irrespective of capital improvement needs which are significant. I put that in a whole

other category and of course the way the act reads that is also considered another category with regard to self-sufficiency. It is not like we have to pay interest on the debt somehow and build that into self-sufficiency. If we can operate the thing on an ongoing basis—capital is over here, away from the operating costs. So that makes it a little easier, but I would say that meeting the capital needs is almost as difficult as meeting the self-sufficiency goal. (Interview, February 2005)

Board and staff members alike agree that individual programs could be self-sufficient, perhaps even subsidizing some other programs or other activities. “And I think, for example, the programs are going to have to be some high-end that subsidize certain social equity programs,” said one senior staff member (Interview, September 2004). Many Preserve official documents reference this concern with social equity, that the Trust should never employ high user fees to limit access. One stakeholder describes the need to find the point where two curves intersect: one describing potential revenue generation and the other describing public utility. If such a point is obtainable, then so too is the self-sufficiency goal (Interview, September 2004). Another member of the public questioned how to make money with a light touch without becoming a “country club for the rich” (Snodgrass 2004).

There are also concerns among the public and scholars alike that user fees, especially high ones, equate to double taxation, as federal funds are utilized to both purchase the Baca Ranch and to operate it. One outspoken stakeholder shared this perspective: “The Act that created the Preserve is an abomination. It asks the public—that is, the taxpayer—to pay for the capital acquisition of the 105,000 (before the grant to

the Peblo of the northeast corner) acres, then tells the same public: ‘Pay a high fee, or keep the hell out!’” (Personal Correspondence, January 2005). Several members of the local group of the Sierra Club, understanding both the complex mission and the financial requirements of the Preserve, have been strongly advocating for lower user fees, more in line with those found in the national parks. At the same time, one board member told me that the Preserve currently is severely underfunded, hampering its long-term viability (Interview, September 2004).

The differences in opinion of how to define the requirement parallel different ideas about whether or not the goal is obtainable. When I questioned various board members, I received noncommittal responses such as, “it is hard now, but maybe possible later” (Interview, September 2004) and, “it is possible, I just don’t know how to get there” (Interview, September 2004). Perhaps the most positive respondent stated, “Oh, I’m absolutely committed. Not only am I committed to that goal, I think the goal is achievable. What I think is not achievable is if we don’t get on with it. If we say, we can roll along here for another two or three years, let’s worry about it later” (Interview, February 2005).

Some staff members have been critical of the board’s response. One told me, “So initially the board was pretty much going on the assumption that it is not possible, so let’s not pool our energy there” (Interview, September 2004). Another added:

Financial self-sufficient is our biggest challenge. That, and I really believe we can do it. But it’s going to take everyone believing we can do it. And I think right now that there are board members who never even conceived of the idea that we can do it. And I don’t think that’s healthy. I

think that's what we are supposed to be doing, and that's what we should be striving for, and we shouldn't start off accepting failure. And I think some on the board do.

Early on the board created a list of ten management principles to which it would adhere. An examination of this list, included as Appendix C, reveals that the only faint reference to the financial sustainability requirement occurs in principle three: "We strive to achieve a high level of integrity in our stewardship of the lands, programs, and other assets in our care. This includes adopting an ethic of financial thrift and discipline and exercising good business sense" (Valles Caldera National Preserve 2001). More evidence of a lack of commitment to the goal may be that the Trust has yet to establish a parallel nonprofit entity charged with fundraising on behalf of the Preserve. As early as the original listening sessions in 2001 and public board meetings later that year, stakeholders urged the creation of such an entity. In late 2004 a board subcommittee was formed to explore the ideas, but as of spring 2006 there was still no nonprofit in place. The Trust bylaws allow for such an organization, and the comprehensive management framework states the Trust is interested in working to establish a 501(c)(3) (Valles Caldera National Preserve 2005d, 99). Additionally, many board and staff members suggest such an endeavor is critical to Preserve success. So why no nonprofit to date? One senior staff member suggests:

Well, I think the control issue is certainly part of that. There are those who have said, "Well, we can do all the same things ourselves...." But again, it's pretty hard to say that having an advocacy out there is going to be bad. And I think it's the control thing, was really the concern. That

they may do something that we don't approve of. And I think there are ways to structure it so that doesn't happen. But you have to have experience to do that. (Interview, September 2004)

Perhaps most critical of a Trust commitment to the goal of financial self-sustainability comes from the Governmental Accountability Office and its three-year review of the Preserve:

According to the [comprehensive management framework], the Trust considers the financial self-sustainability goal as one of many goals of equal priority. Furthermore, according to the framework, the Trust cannot set a date for achieving financial self-sustainability—established as a goal to be accomplished by 2015 in the Preservation Act—because its federal land stewardship obligations do not allow it to operate grazing and recreation activities at a level that puts natural resources at risk.

Therefore, the framework states, it may be reasonable to continue appropriations to cover environmental stewardship costs, such as those for environmental assessments and resources inventories, while the balance of the Trust's programs operate in a self-sustaining manner. While financial self-sustainability may not be attainable in the long run, we believe it is premature to assume that appropriations will continue to be needed after the Trust's 15th year of operation—the time period established to achieve the goal of self-sustainability. Moreover, the Trust is directed to report to Congress in its 14th year if the achievement of self-sustainability by its 15th year is unrealistic. In the meantime, the Trust has an obligation to

continue to develop a strategy and implement a plan to become financially self-sustaining. (United States Government Accountability Office 2005, 24)

Further, the report indicates that the Trust's schedule of decreasing appropriations does not include important financial information, a point emphasized by Yablonski (2004, 5). It emphasizes that it is premature for the Trust to speculate it may need continued federal funding after 2015 as the board has not focused on activities to become self-sustaining, such as expanding or establishing new programs or identifying other, nonfederal sources of funding. And it references the lack of a plan for outreach to philanthropic organizations. To be fair, the report also acknowledges that the board disagrees with the Government Accountability Office assertion that the self-sustainability goal is not a priority for the Trust.

As far as the public is concerned, stakeholders are split as to whether or not the goal is obtainable. At the listening sessions for the rollout of the draft comprehensive framework, some participants felt it was possible, others not, and many just stated "maybe" (Valles Caldera Trust Listening Session Summary, Apr. 26, 2004). Public comments at these listening sessions and submitted in written form do ask the Trust to clarify the definition of financial self-sustainability.

The external public seems more unified concerning whether or not the goal of financial self-sustainability is worthwhile. Many expressed concern that the 2015 deadline could force board members to make decisions which may compromise the environmental quality and integrity of the landscape and the natural resources. "Many conservationists believe that the emphasis on financial stability conflicts with the more

fundamental task of stewardship of the natural and cultural features of the Preserve” (Martin 2003, 123). As a member of the Valles Caldera Coalition stated:

...the big threat really is that they will have to cave into commercial interests. And more than just simply, you know, this view brought to you by AT&T, with big billboards, but you know, sort of signing over concessions to big companies to be profiting at the public's cost, you know. And high-end sort of development. I mean, the thing is within the purpose of that line in the Valles Caldera [Preservation] Act, there is a lot of flexibility there. And they could develop all kinds of major commercial sorts of recreational development. So far they haven't been leaning that way, and this board of trustees and the previous board made a commitment against off-road vehicles, snowmobiles, that sort of recreation there. But shoot, that could change next year. So I think the two go hand-in-hand. If you have a board of trustees that's open and friendly to those kinds of ideas, anything is possible. (Interview, September 2004)

One stakeholder went so far as to question the appropriateness of the goal: “I mean you can argue that there should be some, you know, that through fees you try to recover whatever you can, but I just don't think that's the right model for managing our public lands myself. I just don't think it is right to force them into that...that's a privatization model, and the highest commercial values are not [the appropriate] values” (Interview, February 2005).

This has left board members, staff members, and stakeholders advocating for different criteria for success. The Valles Caldera Preservation Act does call for the Trust to operate in such a way that it helps local communities and businesses. This is a central theme advanced by more than one staff member:

But if we've trimmed staff; you know we haven't created some huge white elephant, or something like that, and we're contributing to this community, and all these communities say, yeah, it's important to us to have that thing there. And that we're making good, efficient decisions, that will be important. We will just have to see. You have to just do what's right, and see where it goes down the road. (Interview, February 2005)

Additionally, one senior staff member spoke in terms of intergenerational equity and the need to preserve the Caldera:

Should we be doing a good job, should we be minimizing how much we waste? You bet. Should we be optimizing the return? You bet. Should we do things that risk the health of this land just because we get a short-term return financially? Not on your life. Because the real return to the American public is over the long term. And so if we're investing money now that saves a lot of money in the future, and creates a place that generations 100, 200, 500 years from now can have the same experience that we have, that's something that's hard to quantify with the economic system we have. Is it a value? Unbelievable value. And we're going to be extremely successful in that regard. (Interview, February 2005)

In addition to regional economic and social benefits, and as discussed in Chapter 5, stakeholders and Preserve personnel value the opportunity to create something different, that the Valles Caldera can be a place where high-level conversations about public land management can take place. They also understand that the Preserve has a role to play in ecosystem and environmental health. These are the types of criteria for which many of the interviewees advocate.

Because of the lack of clarity concerning the definition of financial self-sustainability, the disagreement over whether such a goal is possible, and the question of the priority of such a goal, it is unclear that the 2015 deadline is much of motivating factor. Further, because the Trust is not really allowed to fail—the Preserve would revert back to the U.S. Forest Service—the incentives for achieving self-sufficiency are limited. Huffman (2004) adds, “While special use designation is politically necessary to achieving decentralized management, it does limit significantly the operation of market forces. Use-specific reserves are a contradiction of basic market principles because they do not allow for allocation to the most valued use, unless that use happens to coincide with the special use designation” (478).

Even if the Preserve board is not a trust in the strictest sense, it may be argued that the experiment is still worth attempting because of its decentralized management structure, integration of scientific adaptation, and attempts to involve the public. But just as the financial self-sustainability is a questionable motivating factor in Preserve management decisions, so too is its effect on responsiveness.

### Political Responsiveness through Appointments

There are several factors concerning the Board of Trustees which affect responsiveness and which are grouped under the politicization indicator variable. These are structural in nature because they are extensions of the management scheme as defined by the enacting legislation. The factors include the political appointment process as well as the mandated representation or expertise requirement of the appointed trustees. Other considerations, such as board and staff turnover and timely appointments, are also related to institutional structure.

#### *Political Appointments*

The first of such factors concerns the Board of Trustees. Because the appointment process is a political one, there is always a chance for charges of “politicization” to be made, and indeed there is evidence of that here. One would suspect that a public lands area of less than one hundred thousand acres would be fairly far off the radar screen of the U.S. President, but several interviewees, including those serving as board members or who put their names in to be board members, stated that President Bush or his staff took a strong interest in the Preserve; several subjects even mentioned that Bush maintained he would appoint the second round of appointees by January 2005 even if he were to lose his re-election bid in 2004. The President also made it clear that he would not re-appoint any of the original Clinton appointees even though the Valles Caldera Preservation Act allows for trustees to serve up to eight consecutive years.

Many have argued that the current presidential administration does not place high value or interest on conservation and environmental protection; however, respondents

were mixed concerning the idea of an entirely Bush-appointed board. Although most agreed the potential exists to ideologically “stack” the board in favor of heavy use and extraction of natural resources (or the opposite depending upon the party in power), very few witnessed concrete examples of political ideology in open meetings or the Trust decision-making process. One Trust staff member stated, “I think it’s all a matter of who they are personally. I don’t think [party] affiliation has a lot to do with what this is about. I hope it doesn’t. It shouldn’t” (Interview, September 2004).

In contrast, several interviewees mentioned that politics played a role in the selection process. One candidate for the Board of Trustees, who did not get selected, had this to say:

Well, when this gal from the White House Office called me, she went over my resume, and she said it looks very good, she said, “But as you know, you are going to be working for President Bush, and I want affirmation that you are going to do what ever he asks you to do....” And I said, “You know, I think if you look on my resume,” I said, “I am registered as a Democrat, and you know that.” And I said, “I would sure do a professional job for you up there, but when it comes down to doing what ever Bush would want, I don't think I can answer that positively for you. Because I don't know what he's going to ask me to do.” (Interview, February 2005)

A board member who had cycled off, when asked if interested in serving another term, stated, “I don't think I could serve in the Bush administration. I just have pretty strong feelings there” (Interview, September 2004). And another candidate:

I was approached and asked if I would consider being a board member. And I thought about it, but fortunately before I thought too much about, I was told, well, you have to be a Bush supporter. And I said no thank you, never mind. (Interview, September 2004)

Indeed, almost everyone interviewed, whether internal or external to the Preserve, has mentioned a sense of trepidation among conservation and recreation stakeholders concerning an entirely Bush appointed board.

There are also questions about the extent to which the White House is involving the New Mexico congressional delegation in the selection process; the Preservation Act requires the president to consult with the U.S. senators and congressmen from the state. In 2003 President Bush appointed three new board members. Stories abound that powerful Senator Pete Domenici called the three into his office and asked them who they knew in the White House to have been appointed. Apparently the three appointments came as a surprise to the Senator. One trustee stated, “What I understand the last round where we had two or three of the board members having their terms expire, there wasn't any kind of consultation between the White House and the congressional folks” (Interview, September 2004). When I asked a group of the Senator's staffers about this, they had no comment (Interview, October 2004).

#### *Mandated Expertise or Representation*

According to the Valles Caldera Preservation Act, the seven presidential appointees must have specific knowledge or represent a specific organization. This is a bid to balance all potential interests and uses in the Preserve and hopefully ameliorate any

tendencies for gridlock or stalemate. The potential exists to undermine this and increased responsiveness if appointments are not true to this requirement.

In 2003, the wildlife management seat on the Board became vacant as that trustee's term ended. The Bush administration appointed Tracy Seidman Hephner to fill this vacancy. According to her biography, Hephner "has 28 years' experience managing the family 12,000-acre working cattle ranch.... Along with her work in livestock management, the family ranch focuses on its game and non-game wildlife and fish populations, riparian area and watershed management" (Valles Caldera National Preserve 2005c). At the same time, Palemon A. Martinez held the livestock management seat on the board.

Many of those I interviewed, both internal and external to the organization, mentioned they felt that Hephner is not a good person to hold the wildlife seat. As one subject said:

And when we were talking about [whether or not to open the Valle Toledo to grazing]: she stood up in January and said, "I am a rancher. I don't have a stick of grass on my place. I am feeding a ton of hay a day to my [cattle], and we overgrazed the San Antonio, so you need to let us into the Toledo...." You don't have a stick of grass on your place? So again, it was not a decision that reflected the concerns of fish, wildlife and recreationists in the Toledo. It was a contribution that reflected the concerns of the ranching industry. And it threatens to destabilize the whole idea if you don't have people who are genuinely interested and

qualified to represent those points of view, and the expertise involved.

(Interview, September 2004)

A few interviewees also mentioned that what is really needed in the wildlife position is an elk biologist or someone with expertise in elk management. The elk herd is an important resource for the Valles Caldera, and at least has potential for great economic earnings for the Trust.

That same year, the nonprofit conservation organization seat became vacant, and President Bush appointed Barbara H. Johnson to this vacancy. Johnson is the co-founder and communications director of the Quivira Coalition, whose mission is to foster ecological, economic and social health on western landscapes through education, innovation, collaboration, and progressive public and private land stewardship. Insight into the Quivira Coalition is provided through its website: “We call our approach *The New Ranch*. Elements include progressive ranch management, scientifically-guided riparian and upland restoration, land health assessment and monitoring, and bridge-building among ranchers, environmentalists, federal and state agency personnel, academics, and members of the Public” (Quivira Coalition 2006). Several people I spoke with respect the work of Johnson and the Quivira Coalition, but a few expressed some distrust summarized by this interviewee: “I must say that she doesn't have the confidence of the conservation community, the broader conservation community, a large portion of which doesn't think that what Quivira is doing is brilliant. Partly because of their funding sources, they feel that they are accountable and co-opted.... People perceive her as a ranching interest person” (Interview, September 2004).

Depending upon point of view, one could argue that with such appointments, the Bush administration has shaded the board—or at least how stakeholders perceive the board—in the favor of ranching interests. If three of seven appointees or three of nine total board members are focused on ranching and related activities, an imbalance could result. One trustee told me, “I just wrote White House personnel—I think the letter went out yesterday—that the specification in the legislation according to the backgrounds needs to be scrupulously honored so that the board really will be a mini-congress for the interest groups” (Interview, September 2004).

It bears repeating that not all view Johnson as “pro-ranching.” Also, with the second round of Bush appointments in 2005, Hephner was transferred to the livestock seat when Martinez’s term ended. However, she was granted a new full term of four years at that time.

#### *Board Turn-Over and Timely Appointments*

Another related issue deals with turn-over of board members. The Valles Caldera Preservation Act does not state that board members should have expertise in how to build, organize, and manage an organization. For many of the board members, this is a new experience. Citing an incredibly steep curve for learning how to be an effective trustee and govern the complex Preserve, both the Valles Caldera Coalition and the Trust board in 2002 formally requested of the New Mexico congressional delegation that the three trustees whose terms were ending be reappointed (Valles Caldera Trust Public Board Meeting Minutes, Oct. 17, 2002). Those who crafted the legislation were wise to stagger the appointments, but every two years either three or four of the seven appointees

are replaced. To date all appointees have completed their terms, but it is always possible for a trustee to resign early, especially considering the incredible time commitment involved. The two federal employees and ex-officio members may bring more consistency, but those in leadership roles within the National Park Service and U.S. Forest Service transfer among parks and forests frequently. Since the board first met in 2001, two Santa Fe supervisors and three Bandelier superintendents have sat on the board.

In the rather short history of the Preserve, there has also been a problem with timely appointments. For example, at the end of the first two-year term, the Bush administration took five months to make appointments. Likewise, the terms for four trustees ended in the middle of January 2005. It took four months for the White House to name three of the four replacements. The final replacement came in February of the following year, almost exactly one year later. The Trust must obviously go about its business even with vacant board positions; potentially three appointees and two ex-officio members could make important decisions (or delay those decisions). However, this works against responsiveness if the board is unbalanced or lacks expertise or representation in certain areas. There is also the potential to revisit past decisions made by previous boards. When questioned about the flow of information and data to the public, one trustee told me, “The previous board made promises that are proving impossible to keep. In fact, I am not sure this board even sees the same value in what [the previous board] promised” (Interview, September 2005).

## CHAPTER 5

### INSTITUTIONAL PROCESS VARIABLES AND RESPONSIVENESS

Institutional process elements are also important dependent indicator variables of responsiveness. This subcategory describes procedures and the way the Valles Caldera Trust goes about the business of governing the Preserve. This chapter discusses seven variables, including communication, public information and education; implementation; professional and political outreach; changing world view; process; decision-making; and group dynamics.

#### The Role of Communication, Public Information, and Education

The provision of information to the concerned public is a central tenant of responsiveness. Further, the information should be accurate, relevant, and provided in a timely manner. The flow of information is an underlying current which runs through this and the previous chapter. It is an important component of such issues as scientific adaptive management; comprehensive planning; interactions among trustees, staff members, and the public; representation; and decision-making. A more thorough treatment of the role of information in the Valles Caldera National Preserve and Trust is germane.

From the very beginning, the Trust looked to the Internet and a Valles Caldera website as an inexpensive way to communicate with the public. But also from the very beginning, the website has been difficult to implement, leading one staffer to label it as a

complete failure (Interview, September 2004). And the problems have continued, notably as late as the end of 2005 when all of the minutes from public meetings were removed from the site. At a public meeting, the chair stated that several sets of minutes were removed because uncorrected versions had been posted (Valles Caldera Trust Public Meeting Minutes, Nov. 17, 2005). However, an external stakeholder told me, “The board told the staff to pull approved minutes off the web last year, saying the staff had incorrect versions, but really, [the chair] thought the board could go back and edit them severely, include only the motions. [The chair] just this week acknowledged that that’s not right. They have to post the whole signed version” (Personal Correspondence, January 2006). The frustration with a lack of information on the website is not limited to official minutes, but runs the entire gamut. As previously discussed, many stakeholders are anxiously awaiting monitoring data sets. For example, during a public meeting in early 2003, a member of the public asked that financial and budgetary information be available on the website so that he and others could have a better appreciation of management constraints (Valles Caldera Trust Public Meeting Notes, Jan. 30, 2003). Nearly two years later, again in a public meeting, the Preserve chief financial officer stated that the budget will appear on the website (Valles Caldera Trust Public Meeting Notes, Dec. 3, 2004). As of April 2006, this information is still not available on the website. One interviewee told me of the Internet, “...and that’s where they are supposed to share all the scientific information, and the [Stewardship Action Record System], and everything else. I know they have been working on it, and they have been promising it at every meeting” (Interview, February 2005).

One trustee, obviously upset with the implementation of the website, argues that board-staff dynamics may have had a part to play:

I think we've way over-relied on [the Internet]. Given the performance of the website we've way over-relied on that, and misled the public, over-promised and never delivered. And to me this has got to stop. And I can say that, I am not sure...a number of us have been saying this for a long time and it hasn't changed yet. But this is the place where I think the board has to—the board's voice has to be heard. It's got to stop. But it is not the role of the board to fix it. The role of the board is to point out the problem, point out what ought to conceptually happen, what ought to be managed. Then the staff has to be responsible to find adequate solutions, affordable solutions, and functional solutions. (Interview, February 2005)

Clearly there is a growing sense of distrust among the public. At least one stakeholder is willing to give the Trust the benefit of doubt, but hints that time may be running out:

And I think people can sometimes naturally attribute malicious intent to acts behind which there is no malicious intent. It's all about resources and efficiency and what have you. So I am sort of on the other side: they are not making [data] available because it's hard to make available.... They're just really scrambled, they are a relatively small staff. Now you give them the benefit of the doubt for a certain period of time. And I think for some people that period of time has lapsed, you know it's over. (Interview, September 2004)

As if to answer this interviewee, Marty Peale, coordinator of the Valles Caldera Coalition, stated at a public meeting that “the excuse of not enough staff or money is ‘not going to fly’ for much longer with her organization” (Valles Caldera Trust Public Meeting Minutes, Mar. 12, 2004).

There is also the question of the utility of using the Internet to reach a diverse stakeholder group in northern New Mexico. As a leader of a local Pueblo stated, not many residents have computers or phone lines, and even the electricity is intermittent (Interview, February 2005). An experienced land manager in the region agreed that this is a problem. He suggested that the trust may be adequately reaching the people of Los Alamos, but missing eighty percent of the Hispanic and Pueblo communities (Interview, February 2005). Trust board and staff members have come to realize the shortcomings of relying on the Internet, especially with a dysfunctional website. As one trustee described the reliance on the website:

And I think it is unacceptable not only in the way it’s worked, but even if it worked great, it’s unacceptable in my opinion. It’s unacceptable in its tendency to become over-relied upon for communication. I am a scientist and I spend a lot of my time on a computer and I can tell you, that website is the most frustrating, darn thing you can imagine. And so are most other websites.... The fact is the rest of the world doesn't operate that way, yet. And probably won't in the foreseeable future. To me it’s almost to the level of arrogance, or it can be easily viewed as a level of arrogance that, oh, just go to our website and download this megabyte file when I've got a dial-up phone line. Come on. (Interview, February 2005)

The Trust has begun to respond by developing other channels of information flow. In late 2005, it began to distribute a quarterly newsletter to interested members of the public. It also issues numerous press releases and utilizes local, regional and national newspapers and media outlets. And the board and staff have attempted to increase the two-way flow of information through its public participation process, the Stewardship Action Record System, as discussed in detail later.

One way in which the Trust responded to the public information challenge was to hire a fulltime public relations specialist. Several Trust subjects I interviewed referenced the hire as evidence of both an understanding of the communication problem and a commitment to remedying that problem. One senior staff member said:

And to tell you the truth, you know, it was a pretty big investment to bring [the specialist] into this place. We brought a communications manager in, you know, pretty early on actually, just for this issue. How do you get the word out to the public? So she's got groups out there all the time. We spend a lot of time out there, trying to educate people out there, and media folks, and tour groups, and all different kinds of people, trying to educate them about what this place is about, and what our goals are, how we are trying to approach the whole thing. (Interview, September 2004)

Both those inside and outside of the Preserve, including those frustrated with the flow of information, have only good things to say about the communications manager. One senior staffer told me the most effective communication tool that the Trust could utilize is getting members of the public out on the Preserve “to get their hands dirty,” to experience the place, to get to love it, and to fight for it (Interview, February 2005). But

as one staffer put it, “We don’t have infrastructure, we don’t have facilities to physically greet people. But [the communications manager] gave something like forty-eight presentations to publics outside of here last year. That’s one a week. You know we really try to respond and to be there in lieu of having that presence” (Interview, February 2005). Also, under the communications manager’s direction, the Trust’s media relations program produced 148 local, regional, or national news stories in the press equating an earned media value of \$211,160 (Valles Caldera National Preserve 2004, 20).

However, the communications manager left the Valles Caldera Trust in May 2005 for personal reasons. As of April 2006, this position had not been filled, with no indication if it will be. One stakeholder told me, “...they are not in control of the press they’re getting now, and that’s hurting them” (Personal Correspondence, January 2006). One might also wonder—if the communications manager represented, at least symbolically, a commitment to information-sharing—if the Trust still has the same dedication.

No doubt the Trust suffers from a public relations problem. Several staff members told me it took the Trust quite a long time to recover from the backlash to charging \$45 per person for the initial guided hikes allowed on the Preserve. At that time, handmade signs tacked to the Preserve’s interpretative signs along the highway read, “Access for Cows, \$1.50 for six weeks; Access for People, \$10 an hour” (Martin 2003, 132). When the draft comprehensive management framework was released in 2004, many questioned why it was published in such a high-quality format with glossy cover considering a tight budget and the financial self-sufficiency requirement of the Preservation Act. Many of the comments on the framework, both written and oral,

expressed concern over a sense of exclusiveness. One staff member told me, “I think one perception is, well, they don’t know what they are doing yet. I think another perception is that it’s a rich boy’s playground. You know, you’ve got to win the lottery to go on, you’ve got to win the lottery to go hunting” (Interview, February 2005).

Clearly the Trust is struggling with its own communication goals, much to the detriment of enhancing responsiveness. One board member summarizes it this way:

The issue with public involvement in decision-making, hearing from the public up front, instead of them just reacting to something, is the main idea. In concept, I think it is a wonderful idea. In practical application, with the size staff we have, we would need an additional staff person, and needed it from the beginning, if we are going to keep that promise. We would have needed one person and that would be their job. It would take that level of communication. And so as it is, because the board made that promise and has not been able to fulfill it, it has caused a lot of distrust. You know, come on guys, you promised us data, where is it? And we go, oh, the website isn’t working right. We don’t have the money to fix it. There hasn’t been an organized approach to fulfilling that promise, and it’s tough, we look bad. (Interview, September 2004)

### Incorporation of Citizen Needs into Policies and Procedures / The Role of Citizens in the Policy Process

As there is much overlap between these two variables, it is instructive to address them together. The Trust effectively utilized listening sessions to gather public input,

some of which was later incorporated into policies and procedures of the Preserve. However, the overall public participation process has received only mixed results.

### *Listening Sessions*

On two major occasions the Trust held a series of listening sessions around the state of New Mexico to gather input from concerned stakeholders. The first occurred just as the board formed in 2001. Between February and May of that year, the Trust held a total of seven professionally-facilitated listening sessions in five different cities. Between four and five hundred people participated to provide input into such broad categories as visions for the future use of the Preserve, concerns about the impacts of uses, and suggestions for management and decision-making processes (Moore 2001).

Both members of the public and board members expressed satisfaction with this process. Many of the ideas presented by various stakeholders can be traced to inclusion in Trust documents and policies. Several board members told me they learned a lot from the educational experience, and a past Trust executive director put it this way:

I think it was a good way for the board to get sort of a force feed view of the range of public expectations and interests. And I would say, from what I have seen, it has influenced some of the policy and decision-making. We do refer back to, or you will hear the board refer back to, well, this is what I heard. You know, that kind of thing, if they felt there was some sort of consensus or something at those meetings. (Interview, September 2004)

There is much evidence, at least for the original board, that the trustees referred over and over again to data collected at these listening sessions. The information was summarized and distributed at important meetings:

Well, for example, the first retreat that I was involved in was in the summer of 2002, I guess. And part of the packet that we put together for board members was copies and digests of those comments so they would have that in hand as we began to discuss this whole development of the comprehensive management program. And so those listening sessions were, I think, not only very important but also very valuable to the board to be able to set the foundation for the kinds of things we wanted to do.

(Interview, September 2004)

One objective participant-observer noted another benefit:

The public listening sessions were an important socializing device for the initial board. I mean it was a bonding exercise, it was a shared experience. They had a common understanding, they were all on that learning curve at the same time. And part of what they were learning is what the public wanted, you know, and this was one of the ways they were trying to get at that. And I can see that this [second group of appointed trustees], the round two cohort that came in, I mean, they didn't come in with that same understanding. (Interview, February 2005)

The Trust held another set of five listening sessions in five different locations in April of 2004. About ninety members of the public attended these sessions, and most of them met in small groups with Valles Caldera board and staff members. The board

members used this process to gather feedback to the draft comprehensive management framework. This input was used to improve the framework; much of the oral and written comments, as well as board responses, are incorporated into the final document as an appendix (Valles Caldera National Preserve 2005d).

Many interviewees, including trustees, staff members, and external stakeholders, proclaim the listening sessions as a success for the Valles Caldera National Preserve. They often state both process and outcome as being important. For the former, the public was able to informally interact with the leaders of the Preserve; without exception all agree that the board members were “active listeners.” For the latter, the fact that trustees and staffers periodically, even now, refer to the information gathered at the sessions has led to increased confidence that differing views are being heard, and to some extent incorporated into the activities and policies of the Trust. Many stakeholders stated that they felt the board responded to the views and priorities they expressed during these sessions. The board was able to generate much good will and trust by listening carefully to the public.

#### *The Public Participation Process*

According to the Valles Caldera 2004 annual report, the Trust has developed a four-level public participation process adapted from the International Association of Public Participation (Valles Caldera National Preserve 2004, 21). Further, the comprehensive management framework (Valles Caldera National Preserve 2005d, 71) diagrams the role of the public in Preserve planning and decision-making. Public involvement occurs at several stages: conceptualization, analysis, decision-making,

implementation, monitoring, and lessons learned. The complete diagram appears as Figure 4.

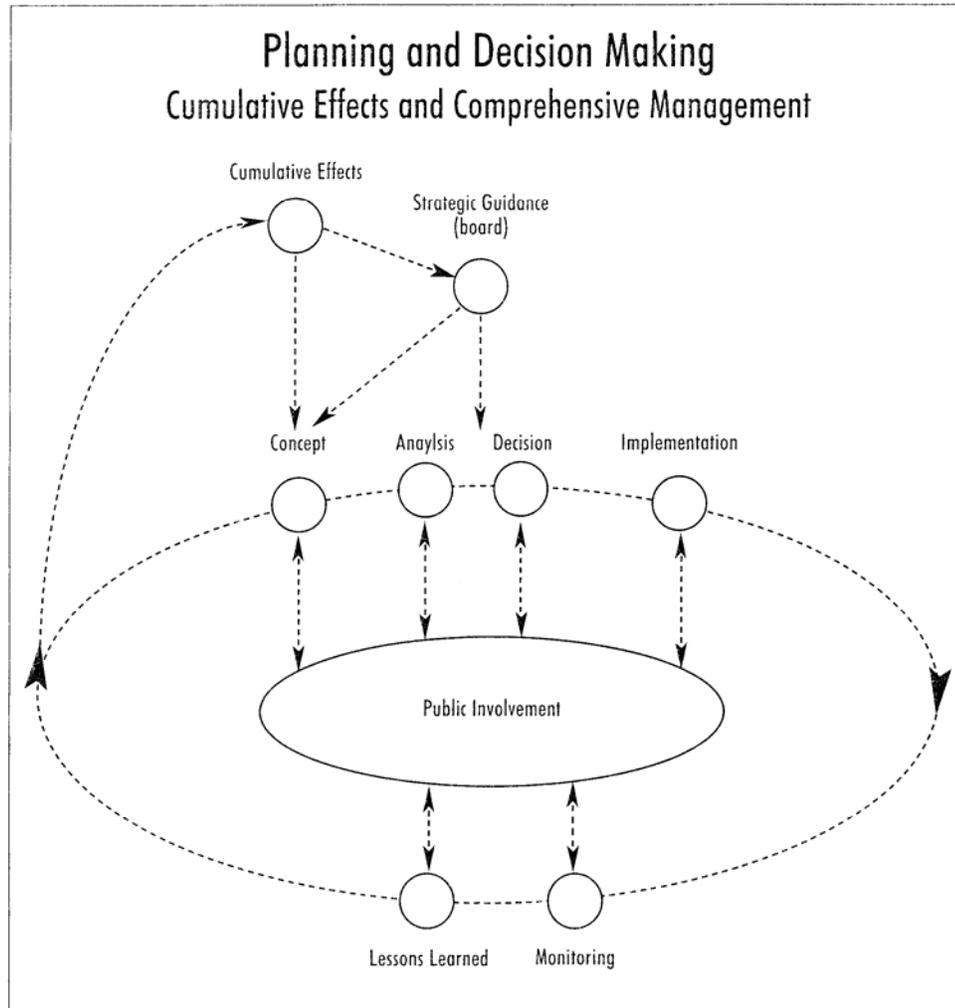


Figure 4: The role of the public in Valles Caldera Trust planning and decision-making (Valles Caldera National Preserve 2005d, 72).

The Trust has also developed a Stewardship Action Record System, or “StARS.” All stewardship—or activities and action—proposed or implemented on the Valles Caldera National Preserve is documented in the Record System. The first phase of any

stewardship action is a conceptual proposal by the staff to the board. Following authorization of the board to pursue the action, the proposal is posted on the Trust's website and may be presented at public meetings. At this point the public is invited to provide feedback. The decision to proceed with the implementation of the stewardship action is also noted in the Record System, as is any documentation required by the Trust's National Environmental Policy Act procedures. StARS contains not only the proposal and decisional documents, but also those documents associated with implementation and monitoring (Valles Caldera National Trust 2005b).

By all accounts, board members and stakeholders list the Trust's National Environmental Policy Act procedures as a success. One senior staff member stated:

...to me the biggest [success] was to develop a decision-making process that is fairly efficient, that really takes...that focuses back on the intent of the laws that are there. [National Environmental Policy Act (NEPA)], for example. I think the NEPA process is becoming so convoluted in a lot of the other agencies because of a lot of different things. Some of the agencies have misinterpretations and in some cases case law...court decisions have forced things on the agencies that in my view don't really get back to the initial purpose of what NEPA is really all about. So that's one: getting back to the basics on NEPA and the decision-making process.

(Interview, September 2004)

Likewise, a high-level Forest Service employee told me, "I drool over their NEPA process, their ability to move certain things a little bit faster than we do because our own

regulations require certain things, and the Caldera's NEPA process is much more streamlined” (Interview, September 2004).

Although she does not like the term “streamlined,” General Counsel Dinah Bear of the President’s Council on Environmental Quality has only good things to say about the Caldera’s National Environmental Policy Act procedures. In “Some Modest Suggestions for Improving Implementation of the National Environmental Policy Act” (Bear 2003), she states that all of the Trust’s planning and decision-making provisions “are fully within the framework of the [National Environmental Policy Act] and the [Council on Environmental Quality] regulations, and indeed, are very much applauded by [the Council on Environmental Quality]” (949). She adds that if the Trust is successful in integrating scientific management, public involvement, and accountability into decision-making, it could cause troubled land management agencies to think differently about the National Environmental Policy Act. She hopes the Act is no longer seen as a barrier, but rather as a framework for implementing adaptive management.

If almost everyone is excited about the Trust’s public participation and decision procedures on paper, most are decidedly less satisfied with the implementation of such procedures. One trustee, when contrasting the Caldera’s procedures with those of the traditional land bureaucracies stated, “So I think that this is different because there is built in some opportunity for the public to have access points to decisions, to influence decisions and processes at the outset” (Interview, September 2004). However, a senior Trust staffer described the process in this way: “What you do, you try to put an overall program together, take it out to the public, and say this is what we are thinking. And then you get feedback from them. You say this is what we thought the program would kind of

look like, and this is what we are trying to provide here. What do you think?” (Interview, September 2004). Indeed, many stakeholders complained to me that they are not consulted at the outset, and are afraid that any alternative policies considered by the Trust are really just strawmen to the original crafted by staff. Bear (2003, 940) agrees that this is a traditional argument levied against those mechanistically following National Environmental Policy Act requirements to scope project or policy alternatives.

At a public meeting in April of 2005, a somewhat heated exchange surrounding the development of the interpretative master plan occurred between members of the public and the board. The document was introduced by the board as “laying a foundation to guide other planning processes on the Preserve, including management, transportation, and facilities” (Valles Caldera Trust Public Board Meeting Minutes, April 14, 2005). Marty Peale, coordinator of the Valles Caldera Coalition, asked how the list of public contacts utilized by the contractor who authored the plan was developed, and why she, as representing thirty-five organizations and individuals, wasn’t on it. The chair responded that the many changes in executive director in the last year resulted in some lack of continuity, an explanation that likely did not satisfy the most visibly involved external organization, the Coalition. The chair also stated, in response to a review of earlier minutes when Marty Peale asked how the public would be involved with the interpretative master plan development, that this document probably won’t ever be final, and that it will be a living document (Valles Caldera Trust Public Board Meeting Minutes, April 14, 2005). This is an example of public frustration at being left out of the process.

One active stakeholder summarizes the problems with an example:  
[Two board members] told me about [a specific management decision], that we were perceived as critical because we came in late on decisions that had already been made, and we were judgmental. You know, so there is some other round of perceptions going on here. So where does judgmental come in? It's like, well, you are critiquing decisions that have already been made. It's like, well, why weren't we involved in the decision-making? When was that decision made? When did you want us to comment? (Interview, September 2004)

This interviewee suggests an alternative way of involving the public that will “raise the bar a little” and keep with the spirit of a place for higher-level conversations, a place to serve a model to the public lands management world:

The idea is that you pose questions about, like the Trust would say, “Do you want to build a visitors center?” These are the questions we know to ask ourselves: where should it be, how many people should it house, should it be energy self-sufficient, okay. And then they post all those on the web and say, propose more questions that we should ask ourselves, and propose answers to these questions. So then your input comes not just in a big chatroom where people can say anything they want. I don't go to the central chatroom for the Preserve. There are places where I can enter conversation under this one question. And so it seems like you would automatically organize information for them. And they could go through and create alternatives by selecting different answers to the questions. So

you don't just have a strawman and then your real choice. You have verifiable combinations of resolutions to this, right. The Preserve could model that, I suppose, if we could get a web system that was sophisticated enough. (Interview, September 2004)

The evolution from public optimism to pessimism about participation in decision-making is traced in an early 2006 newspaper story:

In the early days, that trust, a Clinton-appointed board, worked well with the Valles Caldera Coalition, a group of conservation, recreational and ranching groups that lobbied for the preserve's creation and remain involved now. "Our approach was not to be confrontational, but to work collaboratively with the board of trustees," says Ernie Atencio, who was the coalition's first coordinator from 2001 until 2003. Those days have changed. Members of the coalition, as well as members of the general public, now complain of feeling left out of decisions.... (Paskus 2006)

One member of the Valles Caldera Coalition did not go as far as to defend the board, but did not believe such problems were intentional: "I think there's actual disenfranchisement going on, and I think it's actually unintentional" (Interview, September 2004).

Trust board members are not oblivious to these stakeholder concerns; they are constantly reminded of the public's desires to participate more fully, through written and oral comments provided in public meetings, at listening sessions, and over the Internet. Board and staff members have asked the public to remain patient. And they attempt to explain the discomfort in other ways as well. One board member attributed the problems to insufficient communication and a lack of timely information and understanding:

Just the sense I get from public meetings I am not sure we are doing as good as we could do in keeping the public as informed as we might be otherwise. Particularly with the projects that the staff is going through that they are eventually going to look for approval either through a [National Environmental Policy Act] decision or if it's just a policy. There have been some comments of, "Gee this is the first time I have heard of that." And so I think we could do a lot better job with that. I think there is...I was asked by an individual from the [Valles Caldera] Coalition...they were talking about [the Stewardship Action Record System] projects.... There was some concern about how...they thought they weren't getting timely information or couldn't see what was coming up on the board. (Interview, September 2004)

Other board and senior staff members have attributed misunderstandings and dissatisfaction to the new process. As one put it:

And I think one of the things that's tough for members of the public too—and it's a two-edged sword—is that they're going to look at this like they have looked at other agencies, and there are certain patterns of behavior and rules and regulations that you become comfortable with. And what we're trying to do is streamline that to make it more open and more available. Well that can be just as disconcerting as anything else. I have had the same complaints from people saying to me, and they are good friends, saying to me, well I know how to deal with that agency, and I'm really frustrated with you because you are doing it differently.... And what

I am saying to them, you can influence it here, here, here and here, and here's all the information. They are going, yeah, but it means I have to invest more of my energy to really be involved in the process versus another system where I may not have nearly as much access but I can stick my finger in it at different points and stop it. Versus actually having a constructive place where I can help it be better. Because we are not about stopping things, we are about making things work better. (Interview, February 2005)

Huffman (2004, 477) argues that traditional environmental watchdog groups are more likely to prefer the traditional system of political techniques and access points than risk being cut off by special use designation or local control. Meadowcroft (2004) adds, “Raised on protest, lobbying, and litigation, environmental groups will have to alter their operating modes (and their relationships with rank-and-file members and financial contributors) if they are to manage a portfolio of partnerships with business and government” (211). The Trust itself has jumped on this bandwagon with a direct statement found in the comprehensive management framework:

Members of the public accustomed to following and commenting on the plans of other federal agencies should not expect a close duplication of that experience here. Instead, they should expect to participate in an experimental effort to implement a thrifty and flexible planning process that is designed to absorb new learning rapidly and to adapt continuously to changed conditions. They should further expect a process to which they can materially contribute through constructive participation. This, at least,

is the desire of the trust, and we hope that the broad community of the preserve's friends and supporter shares that desire. The process will be a success only if the Trust and its stakeholders work toward these goals together. (Valles Caldera National Preserve 2005d, 14)

To be fair, all Trust staff members with whom I spoke value public participation in the process. Many mention they employ advisory groups, and bring back participants for a "lessons learned" workshop. One staff member told me the Trust had effectively "co-opted a naysayer by actively engaging him in the planning process" (Interview, September 2004). Another told me the process is not "a clear scientific answer. It has to consider public involvement as well as feasibility and economic considerations and balances." This staffer also added, "I think our process will just involve people more in a regular conversation instead of a procedural, conflicting conversation" (Interview, February 2005).

There are also examples in which interested members of the public are being integrated into the policy development process, especially around the delivery of recreational activities. The recreational staff utilizes advisory groups on such activities as hiking, fishing, equestrian and mountain biking. In order to put together these groups, staff members invite representatives of larger, well-known organizations—such as the Outdoor Adventurers of Albuquerque, Mountain Club of Los Alamos, and Santa Fe Chili Marchers—to participate in the planning, implementation, and feedback phases. In reference to an equestrian event, one staff member stated, "And then we got a lot of input...the equestrian was really represented by different factions. We even had a group from Los Cruces. So we had a lot of different groups that were interested, sometimes

with conflicting ideas. So we all sat around and tried to figure out how best to start knowing that we needed to take small, baby steps” (Interview, September 2004). This staff member added that the different data streams of stakeholder ideas are used to craft initial, interim programs. The staff also holds a “lessons learned” meeting with the advisory group after the interim program has been implemented so that it may be improved. For special events like equestrian and mountain biking, the advisors are involved throughout the process, including working as volunteers during the implementation of the programs (Interview, February 2005).

As discussed in Chapter 1, in order to be responsive it is important for the Trust to actively listen to various concerned stakeholders. But listening is not enough; the Trust must also incorporate suggestions and needs expressed by members of the public into its policies and procedures, or explain why such suggestions and needs can or should not be implemented. The board members painstakingly went through all of the written comments received in response to the draft of the comprehensive management framework. They listed the comments and board responses in an appendix of the final version of the framework (Valles Caldera National Preserve 2005d, 169-187). In many cases the trustees agreed with a suggestion or change, and incorporated the edit in the final version. However, there are many cases in which the board explains why they can not or will not incorporate the suggestion. For example, Carol Pava writes, “Dogs should not be excluded. They are currently excluded from national parks and monuments. Dogs add an element of safety. Guns for shooting animals, four-wheelers, chain saws, and horses are more disruptive, dangerous and environmentally damaging. Are hunting dogs allowed but no pets?” (Valles Caldera National Preserve 2005d, 170-171). To this the

board responds, “Only assistance dogs are allowed on the preserve. The trust believes that dogs and owners who do not leash their dogs can create the potential for damage to wildlife. Other public lands nearby accommodate dogs” (Valles Caldera National Preserve 2005d, 170). It remains to be seen if such responses are satisfactorily received by the individuals and organizations which submitted them. However, it is important to note that the Trust, at least in the case of the comprehensive management framework, has made a good faith effort to respond to each comment.

In conclusion, the variables of incorporation of citizen needs into policies and procedures and the role of citizens in the policy process demonstrate mixed results. Although there are examples of the Trust responding to the needs and desires of stakeholders, members of the public state that the Trust can work harder to involve the public in designing and implementing policies and procedures. This will not only enhance responsiveness, but will also build a common sense of purpose.

#### Responsiveness to Profession and Power Base through Outreach

As might be expected, most of the outreach activities of the Valles Caldera board and staff members are focused at the local community level. In early 2002, the Trust held a speaker series on the Valles Caldera at the Los Alamos campus of the University of New Mexico. In 2004, the Trust’s Speakers’ Bureau gave sixty-seven talks about or tours on the Preserve. Additionally, Trust staff gave presentations to a wide array of environmental and special interest groups; attendees at these talks totaled approximately twelve hundred (Valles Caldera National Preserve 2004, 20).

Staff members also, to a limited degree, speak about the Preserve with their peers around the country. For example, Bob Parmenter, chief scientist, regularly presents information and data concerning the Valles Caldera at national meetings and conferences of various scientific groups, such as the National Science Foundation; some of this reporting is a condition of grant funds received by the Trust (Interview, September 2004). In 2005, then executive director Ray Powell spoke on the Preserve at the Western Open Spaces Conference; his participation was facilitated by the Valles Caldera Coalition (Valles Caldera Trust Public Board Meeting Minutes, May 25, 2005). Another staff member spoke of his role in spreading the word:

And most people go, what are you doing down there, you know.... An example of kind of reaching out: I was referred to by a guy actually at Land between the Lakes to present what we are doing at the urban interface national forest coalition. It was in Tempe last October. And there were about 500 people there. And I had thirty minutes, which isn't a lot of time, but I presented for 15 minutes and then opened it up for questions. They had to cut it off at an hour because the guys just had all kinds of questions about, oh my goodness, run by a board of directors, where do you get your authority? All kinds of questions not related to urban-recreation interface. In fact I was talking to a lady this morning from up in Jackson Hole, Wyoming. She goes, now what are you doing down there? People don't get it. What, you have to make money? What do you mean, you get to control access? (Interview, February 2005)

From among the trustees, it appears that the two ex-officio members, as part of the National Park Service and U.S. Forest Service hierarchies, regularly discuss their roles on the Valles Caldera Trust board with their colleagues at other national parks and forests. Both individuals mentioned interest in the Preserve and its management at the regional bureaucracy level. One ex-officio member stated:

A lot of my colleagues do know about the Caldera. Some of them come in from other parts. The [title deleted] from Boise is coming down for a meeting with the Rocky Mountain Elk Foundation so the Caldera will draw from different places. My regional office and certainly the Washington office...every director that comes out of the Washington office when they come to New Mexico a lot of times they will come to [my] office. I think we have had five national directors that have come down this year and all of them have gone out to the Caldera. (Interview, September 2004)

To a lesser degree, the Trust has reached out to its political power base as well. This responsibility has primarily fallen to the board chair, but other trustees speak with members of the New Mexico congressional delegation. Several board members mentioned the importance of keeping the delegation informed about what is happening in the Preserve, and many added that they could be communicating more with key people in Washington. One senior staff member emphasized the importance of political outreach:

Anyway, the congressional delegation has been very interested in this. Both of them, from the Senate side. So Bingaman and Domenici and their staffs have been very involved. And they've given a lot of support too,

financially, in terms of really trying to look out for us financially as well. I think we're making the case the couple of times we have been up to Washington...I think we made the case pretty effectively that you have to have more of a spike of money up front to build the infrastructure because programs just don't materialize out of nothing. You know, you have to have roads and toilets and water and stuff like that to bring the public out into a piece of land and run programs. So I think they are getting the point of that. They are finding ways to get us some money. (Interview, September 2004)

However, many of the public comments submitted in response to the draft comprehensive management framework (Valles Caldera National Preserve 2005d) identify a need for improved public outreach. Various stakeholders requested better communication and increased collaboration, both requisites for enhanced responsiveness. Executive Director Ray Powell announced in a public meeting a major reorganization of Trust staff to improve the “process of reaching out to neighbors, local, state, Congressional delegation, business leaders, community leaders, scientists, teachers, and other interested in [the Valles Caldera National Preserve] (Valles Caldera Trust Public Board Meeting Minutes, April 14, 2005).

It is only natural that as the Preserve develops and grows, professional and political outreach on the part of board and staff members will increase. One senior staff member explains how this will help achieve responsiveness and improve Preserve management:

I have spent a whole lot of time talking to people about issues we are dealing with here in different contexts. And that's why, you know, we have an opportunity to do some really creative things and get help from a lot of our sister agencies and from other private individuals because they are interested in doing things differently. And that's not beating up people for doing other things in other ways, just like it's not beating up our peer agencies like the Forest Service that have different missions on our borders. It's saying how do we complement each other and how do we learn from you and how do we share with you the things that we've learned.... And the neat thing is that they bring enormous expertise and influence and they can help us in their spheres of influence. So we are all in this together. (Interview, February 2005)

### Changing World View of the Potential Role of Public Lands

The clear majority of people interviewed expressed their belief and hope that Valles Caldera National Trust can represent something new and different. Importantly, they feel the conversation can be moved from that of environment versus economic opportunities, to one in which environmental protection, wise natural resource use, and economic progress can be accomplished. In other words, board members, staff members, and external stakeholders buy into win-win ecology, or as Rosenzweig describes, “reconciliation ecology” (2003). As one board member states:

I think there can be a win-win. You know, I think that our...I mean I believe this, that there are ways for people to live on the land, use the land, make use of

resources, and you know, without harming the land, and move forward in a sustainable fashion. It's possible. But at the same time I feel it's a very careful and sensitive balancing act. (Interview, September 2004)

And this is echoed by a former executive director: "It's not, in my view, a zero-sum game. And I think that if you build the system and synergies successfully, the motive to optimize—the word we use—the generation of revenues is based on the motive of being able to put those financial resources back into the ground" (Interview, September 2004).

This changing attitude is an important departure from traditional approaches to land and natural resource management. The traditional model almost always assumes conflicts between economic growth and environmental protection. Much of the political conflict, stalemate, and litigation results from the assumption of a zero-sum tradeoff (Fiorino 2004, 398). But in the case of the Valles Caldera, many of the trustees argue that the mandate directs them to both protect the resource and create economic opportunities at a level necessary to be financially self-sustaining. One external stakeholder working on multiuse public land issues, when asked whether or not the Preserve can successfully achieve these goals, responded:

I would hope so. I mean all of our federal land is supposed to be multiple-use. So one would hope that over time this thing can be self-sufficient and we can demonstrate that you can have hunting, you can have ranching, and you can have a happy landscape. I mean that is what we preach everyday. So we hope this could be the model to demonstrate that. (Interview, February 2005)

One staff member went as far as to list economic benefits to the surrounding communities, including increased bicycle sales and service, local Pueblo cultural and nature tourism packages, and less empty hotel beds. The staffer summarized with, “How can it not be a win-win?” (Interview, September 2004). Still, at the end of the day the increased economic opportunities for the surrounding communities do not necessarily translate into the Valles Caldera Trust being able to pay its own bills and forgo federal subsidies. Importantly, the Government Accountability Office, in its three-year review of the Preserve, states that the Trust has been unable to agree on the balance of activities that should occur in order to achieve the overall goals of resource protection, recreation, sustained yield management, and financial self-sufficiency (2005). One trustee sums up the nature of the problem: “But where the divide comes I think is the degree to which people think it’s possible to have the human component on the land and use the land, and yet what can be used on the land, to what level, before it becomes unsustainable or damaged. There is a different sense among people of where that dividing line is” (Interview, September 2004).

There is also evidence of a changing philosophy or attitude amongst key external stakeholders, especially those from the environmental organizations. One member of the Valles Caldera Coalition stated:

And my approach and what I was trying to sell to the rest of the coalition, was, you know, there's [organization name deleted], there are these other groups that can be hard core advocacy; they can take the hard line if they want to, any member group of the Coalition can do that if they want to. As a coalition, let's try a different approach: it's a new model of public

lands management, let's try a new model of advocacy. And so because we took that approach, even though we, you know, we had some very clear and strongly stated ideas about how we thought things should be operated up there, we always couched them in a very supportive way, always in a constructive way. And by and large I think they were open and receptive to our comments. (Interview, September 2004)

And from another:

I realized that you can win "battles," but you are going to lose if you leave a wake of perception that you don't care going behind you. And I think you can speed things up, you can be more efficient, you can force issues, you can do wars, you can go to battle...listen to the language, right. Do you really make progress? Do you really build community while you resolve issues? No. Do you build understanding? No. Do you win? Maybe. But what happens with the energy of the people who lose? What happens to our energy when we lose?... I do think that if we want...we have an opportunity to pioneer a better way of making resource decisions here. If we want to do that, I think we need different structures than what exist right now. And I think we need more time than what is given for making resource decisions right now. Because if you want that whole understanding, then there's got to be some change of pace, right, in order to accommodate that kind of mutual understanding. And sort of riding at the sense of the meeting, instead of the consensus, right. Or the decision

where some people win and some people lose, the compromise. Which is not consensus even. (Interview, September 2004)

These changes in attitudes and an agreement by the majority of actors that a win-win is possible are leading to a sense of enhanced responsiveness.

*Valles Caldera is Different: the Bigger Picture*

Those associated with or interested in the Preserve talk excitedly about the chance to be responsive to a bigger picture. They feel that there is a real chance to make a difference in public lands management in the U.S. and especially the west. One subject summarizes this idea:

...that meshes with the really core vision that I and I think several other people, at least in the initial cohort of board members, that sort of core vision for one of the key public purposes of the Preserve is a place to foster high-quality conversations about land management.... And some of it is very formal, structured learning in a scientific manner; some of it is observational, go out and kick the dirt; some of it is interacting, you know, bringing in, making sure that the ranchers and environmentalists are standing there together while you are talking about how you are going to manage livestock out here. And a place that should be, rather than a place of conflict on the landscape, a place to have high-quality conversations about interesting and sometimes contentious issues. That that would be a good public purpose, that that would be a public benefit, if the Preserve

experiment could demonstrate the effectiveness of transparent, open, honest direct conversations with people. (Interview, February 2005)

And a similar statement:

If the Preserve makes itself useful, if it's a constructive entity both in the local landscape and in the larger social...for society at large. If the Preserve makes itself useful, if its a small beacon of light out there for some different ways, some less contentious ways, of, you know, addressing land management issues that public land managers—and private land managers based all over the place—it will be earning its keep. (Interview, February 2005)

But what makes the Valles Caldera experiment so different? For many, it is the real chance to integrate adaptive management, complete with scientific monitoring and feedback, into the daily operations. Bob Parmenter, Preserve scientist, has stated, “There is no more exciting opportunity for science to inform management in the United States today” (Valles Caldera Trust Public Board Meeting Minutes, Dec. 3, 2004). There is of course the hope that the scientific data can be used to make good, sound judgments which avoid some of the deadlock and confrontation affecting other natural resources. For others, it is simply the chance to “get outside the box” (Interview, September 2004), to experiment with new and innovative ideas, to be creative. Many board and staff members understand the opportunity created by less bureaucracy and land management rules than the national parks and forests face. One staff member added that the experiment is worth doing, even if it fails, as it will teach what can and cannot work on

federal lands (Interview, September 2004). Another staff member indicated the importance of trying something new:

Well, I took this job for a couple of reasons, but one reason was that I believe that this is the only way public land is going to survive. I believe politically you are not going to have a president give us millions more a year so that we can go out there and improve trails or keep them up. I believe that eventually all public lands will be managed this way. It's the only way to protect the ecosystem.... And I don't think this is a naïve idea here...this is the way public lands will be twenty, thirty, fifty years from now. The only way to sustain an ecosystem is this setup right here. Otherwise, we will pay the price. We are already paying the price.

(Interview, February 2005)

Key members of New Mexico environmental and conservation organizations recognize the opportunity as well:

Well, just basically that I think it's a good idea overall. I mean my perspective is that, obviously conventional public lands management, conventional [National Environmental Policy Act], what we've become accustomed to at the Forest Service and [Bureau of Land Management], has failed, you know. Twenty year static management plans don't work. The decision-making process doesn't work. I mean, I don't think anybody is satisfied with it. The ranchers, the loggers, the environmentalists, or the agencies, for that matter. They end up spending most of their resources dealing with that...so in general I just think it's a good idea. It's a big

experiment, and I think it's the only way to figure out if something different would work...is to do it on a large scale. (Interview, September 2004)

Without a doubt, the vast majority of actors with whom I spoke feel that the experiment in Valles Caldera is defined by much more than the Preserve's physical boundaries. Trustees, staff members, external stakeholders, and congressional staffers all stated that if the Valles Caldera National Preserve is successful, as a model it will be adapted elsewhere. Although many feel that it is much too early to be talking about a model for the future (as there is a lack of formal evaluation), there is consensus concerning the importance of the experiment. The Government Accountability Office's (2005) three-year review and the Trust's comprehensive management framework (Valles Caldera National Preserve 2005d) explicitly state that actions of the Trust not only benefit the Valles Caldera, but also other federal public lands. The idea that others are watching to see what happens in the Caldera has enhanced responsiveness to the same bigger picture, or to the mandate of truly effective management of the multi-purpose mission. As one observer stated, those involved are trying a little harder because there is something bigger at stake:

Again the individuals involved I think make a huge difference. And again, temperament is the word I would use. So this issue of the board getting along: some of it is just individuals, and some of it was—you know, sitting in these workshops, you know, a couple of these little retreat things—that we are trying to create something new, that this is an experiment. That this is interesting and there is a larger public purpose

beyond...a larger public value potentially. If we are successful, beyond this 89,000 and some odd acres of land, nice though they are, nice and not pristine though they are, I mean, that kind of stuff. So that may have moderated some people's tendencies, who might otherwise have tended to be, by political inclination or something, maybe to be more contrarian about some particular idea. They are more willing to go with it.

(Interview, February 2005)

### *Bureaucratic Departure?*

In many ways, the evolution of the Valles Caldera Preservation Act was colored by the personal experiences of the members of the New Mexico congressional delegation, especially Senator Pete Domenici. Senator Domenici has not hid his unhappiness with the traditional federal land agencies, especially the Forest Service. Clearly, he is distrustful and lacks confidence in the Forest Service's ability to manage its complex mandate. He instead foresaw something different for the Valles Caldera:

In my view, the law that most often ties the Forest Service up in knots is the Forest and Rangeland Renewable Resources Planning Act, as amended by the National Forest Management Act. By exempting the Valles Caldera Trust from this law, we are saying that we believe there is a better way to manage federal land. By entrusting the Baca Ranch to an autonomous body of experts, rather than to a myriad of planning rules and regulations, we are saying that a group of smart, caring people can make good decisions, given the opportunity. (Domenici 1999)

The Senator is speaking about a diverse group of people with differing ideas of public lands management, sitting down at the same table, listening to each other, and crafting policy and management solutions for the Preserve. The internal collaboration among board members must first begin with trust. Trust in this context begins with mutual appreciation of what each board member—with his or her unique expertise—can contribute to solving seemingly intractable resource problems and balancing conflicting goals as spelled out in the legislation. According to Gragson and Grove (2006, 99), trust occurs when key players, or trustees, directly participate in crafting policy solutions. More than one board member referenced the mutual respect and trust the trustees have for each other, and how they expect to learn from each other (Interview, September 2004).

Another added:

Especially give the fact, if in fact the board is populated with...if the political system pays some attention to the design of the board, and actually appoints people who bring expertise to the table, that's a resource that, you couldn't hire that. In a small state like this, it would be difficult to hire those kinds of people. And if you could, you probably couldn't afford it. And a consultant doesn't have the same commitment to the program. So there is a potential there where I think the board, individual board members can contribute not only to the collective whole, but there are times where one can make significant, high-level contributions in a particular subject matter that can be of extraordinary benefit. (Interview, February 2005)

As mentioned previously, none of the trustees appointed by the president may be federal employees. However, a good number of staff members in key positions are former federal employees. Notably, both the Preserve manager and the natural resources coordinator were employed on the Santa Fe National Forest immediately before transferring to the Valles Caldera Trust. Additionally, two of the interim executive directors were on detail from the U.S. Forest Service. If the objective of minimizing federal representation on the board is to create new and innovative “outside the box” thinking, the strong presence of former Forest Service personnel on staff may be working against this. One staff member told me:

It’s difficult for the Forest Service people, especially, to get outside that realm of possibilities, of being more common-sense oriented than bureaucratic oriented. And it’s hard to define common sense. It’s much harder to define common sense than it is to build a policy. I think that’s a big hurdle that we need to get through, is getting used to the idea that we don’t have to do it the way we’ve always done it. There’s got to be a better way. Things have changed, things are different. And we have to respond differently, and hopefully we will get there. I don’t like seeing the bureaucracy built up.... Another challenge I think we have is just to be something different, to be an entity that’s not like anything else. Our general comfort level is to head right down the same path. (Interview, September 2004)

This same concern was echoed by an external stakeholder and former federal employee:

...one thing I recommended to them to begin with, at least when I talked with [Trust Chairperson] Bill deBuys, I said, “Don't hire any more Forest Service people.” ...and there's no doubt about it that there are great people, but they are engrained. And I can see that right now. They hired [Preserve Manager] Dennis [Trujillo] up there, and hell he's Forest Service, and by god they do the same...he isn't, he's never done it any other direction. And so I would have gone the other way: I would have stayed away from Forest Service and I would have gone with some professionals from other groups if I could have gotten them. (Interview, February 2005)

As early as the original listening sessions held around the state of New Mexico in 2001 to solicit stakeholder and citizen ideas about the new Preserve, many participants expressed unhappiness at the way the traditional public lands bureaucracies had managed parks and forests. They complained of red tape and that there should be new, creative tools and policies to reach a higher standard of management. Many added that the board and staff should incorporate the history and traditions of the region, and work to satisfy the needs of local communities (Valles Caldera Trust Listening Session Summary, Mar. 10, 2001). It follows that the comprehensive management framework states, “Not only are the policies and decisions developed in the absence of a cumbersome bureaucracy, but the channels by which directives reach its field managers are short and direct” (Valles Caldera National Preserve 2005d, 65).

However, as just mentioned, some staff members and stakeholders referenced a bureaucratic mindset working against the ability to create something new. One

respondent who has worked closely on Preserve programmatic activities summarized it this way:

This was a way to involve the community on a piece of property, and use kind of the principles of John Wesley Powell. Let's look at this as a watershed. Let's bring together all the stakeholders, evaluate what we are doing, what are the likely consequences, and let's understand it. It's a real chance to really learn how the system works and how to bring people into it in a critical way. It's frustrating, because I felt like there was a vision there to do that. And I think [Trust Chairperson] Bill deBuys has a strong vision about that as well. And then it just kind of...I don't know what happened in the process of creating this big organization, it changed.

(Interview, February 2005)

And the same individual added, "And many of them have bureaucratic personality types, where they are just focused on their little things. I don't see the vision" (Interview, February 2005). Durant (2004) describes "agency allegiance to professional or organizational norms rather than responsiveness to changing conditions and needs" and "tunnel vision on the part of narrowly and functionally organized experts" as dysfunctions of environmental and natural resource management bureaucracies (356).

Additionally many of the staff members in leadership positions do not reside in Los Alamos or in the near vicinity of the Preserve, but rather commute several days a week to and from Albuquerque, a two hour drive each way. As one of the intentions of the Preservation Act is to enhance a sense of trust and local community, this may be detrimental. Finally, staffing decisions made by the board and leadership may not have

been very astute. As mentioned, there are no elk experts on staff. Nor has there been much expertise in important substantive areas: interpretation and education, outdoor recreation, and the public process.

On the other hand, former Forest Service personnel do bring certain valuable skills in natural resource management. The Preserve manager is from the local area, is well respected, and is well known to all. The Trust did hire a communications manager from the private sector; unfortunately she has departed for personal reasons and has not been replaced. Many of the skeptical stakeholders with whom I spoke felt that the chances of long-term success are low despite a talented and well-intended board and staff. When asked, “What do you see as successes to date?” many of those both internal and external to the Preserve listed putting a talented staff in place. One staff person listed several positive qualities of the staff members: hopeful, inspired, committed, and deliberate. This interviewee also stated, “No one did this at their old jobs,” indicating the chance to be part of something new and creative as a motivating factor (Interview, September 2004).

### *Patience*

Finally, the environmental and conservation communities maintain they have shown incredible patience with the Valles Caldera Trust, a fact with which the board and staff members agree. Many stakeholders have been advocating for individual concerns, most notably greater public access for recreation activities. But as one author writing about the Valles Caldera has stated, the consensus among volunteer workers monitoring the grazing program is that special interests need to keep the larger picture of the

Preserve in mind; they are willing to “step back and allow the board to make a good faith effort at finding some middle ground” (Matthews 2004). A national journalist echoes this sentiment:

That leaves us taxpayers, who paid \$101 million for the purchase, the same option we had when Valles Caldera's vistas, trout streams, hot springs, meadows, mountains and wildlife were in private hands—gazing at it from afar, parked on the side of New Mexico's Route 4, a public road that runs along one edge of it. In my case, that's disappointing. I once dreamed of riding a horse across this 17-mile span of heaven on Earth. At the same time, it would be a crime to see Valles Caldera covered with roads, toilets, campgrounds and motels—or to experience it by riding on buses, fighting the crowds and wondering why we ever came. Right now, it's enough for me to stand at the edge of the road knowing that a place this beautiful still exists and that maybe my great-grandchildren will see it just like this, a half-century from now. (Oberg 2002, 11a)

Many of the stakeholders I interviewed stated that the most important role they can play is to advocate for patience on the part of the external public. That even though the Preserve has been in existence for more than five years, innovative public lands management takes time. However, evidence is growing that patience is wearing thin: “Everybody that I've talked to are saying, the public has been very, very patient. And that it's about time when it would be appropriate for it to be less patient. You know, even staff says that. And they say please be patient, we're getting there. But they say, we understand” (Interview, September 2004). And Hephner, chair of the Trust, stated in a

public meeting, “The first three years of this experiment was like being in love. This is marriage; the glow is off” (Valles Caldera Trust Public Board Meeting Minutes, Nov. 17, 2005).

Still, the public has been willing to give the Valles Caldera Trust and staff the benefit of doubt when it comes to patience and responsiveness. Perhaps this is best summarized by nature photographer Don Usner in the preamble to his temporary exhibit at the New Mexico Museum of Natural History and Science:

It’s uncommon to find individuals of diverse background, interest, and purpose converging on such a subtle and rarefied feeling. Each visitor—and everyone is a visitor here—has a different vision of this grand landscape and opinions diverge widely about how people should use the land, but all disharmony resolves to accord when it comes to the feeling of being in the Valles Caldera. (Usner 2005)

### Decision-Making Structures, Rules, and Procedures

The lack of open and transparent decision-making is a factor working against responsiveness. According to the Valles Caldera Preservation Act, the board is required to meet in sessions open to the public at least three times per year within the state of New Mexico. Although allowed to close any other meetings, the board must have a majority vote to do so (in open session) and provide a public statement of the reasons for doing so. Importantly any decisions affecting the comprehensive management program of the Trust must be done in open public session. But because the Trust is a government corporation, it is excluded from any other open meeting requirements.

The board does meet the letter of the law in this respect. However, the trustees often meet in closed-door working sessions in which many details of a proposed program or policy are discussed and worked out. As one board member described it:

It really is a hybrid because it's very hard to have a fully candid board discussion on a difficult issue, you know when you've got members of the public there. People feel inhibited from speaking or they speak in code. So we try on difficult things to thrash them out in our work sessions, but not always to the point of where we are going to end up. If we can do 80% or 90% of the discussion there, and finish it up, the last 10 or 20% in the public meeting, that would be ideal. Because then what we do in the public meeting is not just theater, you know, it's not just a staged rehash. But finding that point is very difficult because you've got nine different people and each one has a different hunger for closure or not closure in a work session. And how do you cut things off so the discussion stays fresh for the open meeting? (Interview, September 2004)

Several external stakeholders have also labeled this process as “theater,” and one trustee went as far as to describe the public decision process as a “dog and pony show” (Interview, September 2005).

This perceived lack of transparency in the process has left many on the outside distrustful of the process. They worry that not all stakeholder interests are properly represented, and that thorough deliberation covering the concourse of ideas is not being met. At a public meeting of the board, David Henderson, executive director of Audubon New Mexico and chair of the Valles Caldera Coalition, questioned a lack of diversity in

the board's decision-making. The chair responded, "You're not privy to all our discussions." To this Henderson responded, "You're a public board. We probably should be" (Personal Observation, Sept. 6, 2005). Various members of the public express concern that the board, through its decision-making process, is not balanced and responsive to stakeholder needs.

### Dynamic Interactions between Agency Leadership and Staff

Interpersonal relations and dynamics also affect the level of responsiveness. Internal to the board of trustees, the interactions and relationships are personality-driven. One subject told me:

There's the weak link in this whole structure...this board of trustees. Like I said, because its kind of a wildcard, you could end up with a great board of trustees that does a good job by collaborative decision-making, or you could end up—it's very personality based—you could end up with nine people, right?... So these nine individuals. Anything can happen. So that's, like I said, one of the weak links of the whole trust model.... And I do understand that there are stronger personalities than others....

(Interview, September 2004)

Most interviewees agreed that the board chair for the first four years of the Preserve's existence is a strong individual. No doubt his mark is on a lot of the Trust's initial work. For example, an accomplished author, scholar and historian, he served as the principal author on the Trust's most important document to date, the *Framework and Strategic Guidance for Comprehensive Management* (Valles Caldera National Preserve

2005d). Everyone who discussed the chair mentioned much respect for him, as in this summary comment: “I disagree with [the chair] a lot, but I would like to see him stay and have the opportunity for another few years. Because he's the one guiding force, I think, that stabilizes the whole thing” (Interview, September 2004). But there are those outside observers who are critical of the chair’s management style: “[name deleted] is the only person on the board that has ever challenged [the chair], and it was not a pleasant thing to watch. Because that challenge was not accepted graciously” (Interview, February 2005).

And another:

I know that [the chair] is a very strong personality, very willful, and downright arrogant sometimes.... I think he has really been running that board often times to good benefit, but occasionally to his own agenda. If he doesn't like what somebody else is thinking, he will just sort of cut them out, you know. He will communicate with people he needs to, he'll line up the votes before meetings, he will work things that way, like a politician. (Interview, September 2004)

These personalities and dynamics are also important when describing board-staff relations. At inception of the Preserve, there was only a board and no staff; the board set about hiring an executive director, but also had to do much of the “on-the-ground” work themselves. Since that time, the board and staff have struggled to define their respective roles. One staff member told me:

Well, I have seen a big change. When I first came, [board members] were down in the ditches, literally, making decisions about, no, I think a trail ought to go here, I think we should only have four or five trails, no I don't think we ought to do fishing that way.... And [the executive director] then

started to make a movement, look, the board responsibility is to be at 30,000 feet, making strategic guidance. Let the people on the ground, who are professional planners, take that guidance and turn theory into a 2x4.

(Interview, February 2005)

But there remains much room for progress. One outside observer lamented, “Board-staff relations were very bad. The chairman was a micromanager who imposed his wishes in an autocratic manner. He prepared the management plan. He sat in on meetings between staff and experts. He did not empower the staff, but rather the staff was smothered and cowered to the chairman” (Personal Correspondence, February 2005). An internal staff member added:

...there was no clear determination as to when the board would make a decision and when the board would authorize the staff to make a decision. I think those are...trying to set some standards as to what was elevated to a board decision and what was relegated to staff, the executive director and who ever. And I think that's just maturity of the organization. I think that will come. (Interview, September 2004)

Governance and the respective roles of board and staff are burgeoning fields of study. Wood, in her edited volume of case studies on nonprofit boards and leadership (1996), identifies three “structural tensions” (6) which arise between a board and its executive chief administrator. The first occurs because although the board is legally responsible for the organization, it is the staff that has the knowledge and resources needed to managed the organization. This is often described by principal-agent theory, as the board must both provide some responsibility to the staff, and yet hold them

accountable. The second tension occurs as the board struggles to find how it can add value to the organization. Wood states this is traditionally done by exercising “dispassionate judgment” (6), but since the board relies on the staff for knowledge and information, it has difficulty remaining independent. And the final tension occurs when the board is made up of strong, individual performers, which makes it difficult for the board to act together and with a unified voice. No doubt all three tensions are at play within the Valles Caldera Trust.

Examples of this are evident during several public meetings. In one such instance, the Chair called the question as to whether or not to allow grazing in the Valle Toledo:

Ms. Johnson challenged the premise of the question, saying that the task is to provide guidance to the staff. She clarified that the entire discussion does not imply more cattle or additional areas, but rather does one area get used more at the expense of another. She supported giving the staff the flexibility to make the on-the-ground decisions needed at the time to manage the program effectively....

Dr. Icerman supported giving the staff maximum flexibility to apply adaptive management principles in managing the program in real time....

Dr. Swetnam explained that he thought the staff had the flexibility needed to conduct the program last year, and that a balanced approach was to try

not to graze the Valle Toledo. He stated that the Board discussion so far is telling the staff to rotate grazing into the Valle Toledo in 2004.

Several Board members disagreed with Dr. Swetnam's assessment and stated that there is no directive being given except to provide the staff flexibility to make the best decision for the health of the land during the program.

The Chairman concurred with Dr. Swetnam's view in the minority and asked the staff to consider all points of view in deciding how to handle the cattle for the good of the land and other Preserve programs. (Valles Caldera Trust Public Board Meeting Minutes, Jan. 23, 2004)

Another example occurred during the public comment period of a public board meeting in late 2005:

Audience member: Why did the chair require us to communicate with staff and board through the Chair?

Chair: Normally, the executive director would be the official spokesman for the Trust. But our interim executive director has so much to do to straighten out internal affairs, that the chair is spokesman for now. Yes, you may contact others for info. They just can't speak for the Trust. (Valles Caldera Coalition 2005)

This board-staff role confusion has also manifest itself in a large turn-over in Preserve staff members. The Trust, which has existed since 2001, just named its sixth executive director. Three of those were identified as “interim,” including one board member who served as interim executive director, further confusing the boundary between board and staff. When Ray Powell, who was previously New Mexico lands commissioner, resigned from the executive directorship, several newspapers quoted him as saying, “Where I excel is helping create policy and helping apply it. In the case of the Valles Caldera, the board has a mandate to formulate policy and staff’s job is to carry it out” (Snodgrass 2005). Whether reality or not, many members of the public were left with the impression that Powell was forced out: “Recent changes in the trust’s bylaws that reduced the director’s authority ‘had kind of a terminal effect,’ [Valles Caldera Coalition member Bill] Huey said.... ‘They basically took power away from the director,’ [Bob MacPherson of the New Mexico Wildlife Federation] said” (Matlock 2005).

A recent Government Accountability Office (2005) report has equated a lack of leadership with damaging staff turnover. Many of the staff members I interviewed, including several top managers, have left the Preserve. The remaining staff members are left with low morale (Interview, September 2005), and many outsiders are left with a sense of apprehension. Senator Domenici, in a press release praising the appointment of the final board member in 2006, expressed his concern with “instability in staff” (Domenici 2006). Damaging turnover has very real consequences: a former external researcher was contacted by a remaining staff member and asked what data he may have available relating to the recreation program (Personal Correspondence, August 2005).

Also, at a public meeting in September 2005, the Preserve manager stated, "...the forage utilization plan has suffered a setback recently with the loss of key staff members"

(Valles Caldera Trust Public Board Meeting Minutes, Sept. 6, 2005). Responsiveness is challenged by both the instability and lack of clear role definitions for the board and staff.

## CHAPTER 6

### CONCLUSIONS

The Valles Caldera National Preserve experiment represents a new way of managing and administering a national public lands area. The Preserve contains unique institutional arrangements, including the fact that it is governed by a nine-member board of trustees, seven of whom are appointed by the President of the United States. Additionally, five of those seven appointees must be from the state of New Mexico where the Preserve is located. Each of the appointees must have a specific expertise or represent an organization with an interest in the land and its resources. Finally, the Preserve is to be financially self-sufficient by 2015, fifteen years after acquisition from a private owner by the federal government.

The unique management arrangement of the Preserve and the Valles Caldera Trust which administers it is a clear bid to enhance responsiveness to stakeholder concerns, values and needs, especially to New Mexican citizens. A product of the political climate existing at the time of acquisition, congressional and executive leadership sought to create a new design in order to avoid some of the gridlock, stalemate and litigation facing the traditional national land bureaucracies, such as the National Park Service and the U.S. Forest Service. The Valles Caldera National Preserve is an attempt to increase stakeholder engagement, communication and trust, and therefore improve responsiveness over that which typically occurs.

Responsiveness as a concept and goal is nothing new in the study of public administration and the American bureaucracy. Various political institutions, such as the President and Congress, have attempted to achieve high levels of responsiveness from bureaucrats found within various agencies. Further, members of the public have often demanded direct responsiveness from the professional technocrats serving at various levels of government. Some scholars have even gone as far as to suggest a special responsiveness role for bureaucrats to advocate for the disadvantaged or to bridge the three constitutional branches of government. Questions of accountability, responsiveness and discretion have led some to label the bureaucracy a fourth branch of government.

The environmental, natural resource, and public lands administrative and policy world is not divorced from some of these same issues. The trend in natural resource and public lands politics and policy over the last century is growth in the number and diversity of concerned stakeholders. Pluralism in this arena equates to greater demands for public participation. Rising education levels, access to information, and new and innovative protest techniques have contributed to public involvement in policymaking. This increased participation creates increased responsiveness challenges for public managers.

This research endeavor set out to determine if the unique management experiment in the Valles Caldera National Preserve has led to a high level of responsiveness to and satisfaction among concerned stakeholders. Specifically, do the distinctive institutional arrangements taken together as the independent variable and laid out in the Valles Caldera Preservation Act—the nine-member board, the mandated expertise of the board members, the decidedly local focus, and the economic self-sufficiency—serve to enhance

responsiveness? At the basic level, is the Valles Caldera operating as designed, and if so, does it avoid some of the problems facing traditional land management bureaucracies, such as stalemate and gridlock?

Three types of data were collected: documentation of the Preserve and other external sources; interviews of key actors, including board members, staff members, and external stakeholders; and direct observations of the Valles Caldera Trust at work in the field, the office, and the public meeting. These data were analyzed for patterns in order to answer the questions concerning responsiveness. Several dependent variables were conceptualized as indicators of responsiveness.

### Summary of Findings

As may be expected with such an endeavor, the Valles Caldera National Preserve and Trust have experienced mixed results with regard to responsiveness. The indicator variables, their values in a traditional bureau and the Valles Caldera National Preserve context, and the resulting effect on responsiveness are found in Table 3.

According to evidence, the board and staff are successful in many areas. They have been able to increase responsiveness at the local level, while at the same time maintaining channels of accountability and responsiveness to the national level. Almost without exception, board members, by position of their status in their local geographical and professional communities, have created a sense of trust; they are seen as insiders who for the most part have the best interests of the people of New Mexico at heart. Relatedly, trustees and staff members, as much as time will allow, are engaged in political and professional outreach, primarily at the local level, but also in Washington and around the

country with their peers. This sense of respect for those in charge has enhanced a feeling of responsiveness. Finally, both the model and the actors have left the stakeholders with a changed world view. They feel that there is great potential for the Preserve to be something greater for the world of public lands management; the Caldera can be a model for high level conversations about better ways of administering parks and forests. Stakeholders have demonstrated patience in this attempt to create something important, and almost all involved believe a win-win situation that advances both economic development and resource protection can be achieved.

Just as there are some things the Trust is doing well, there are also many areas in which structure and processes are working against responsiveness. The Trust has truly struggled to share information with the public, primarily because of an over-reliance on the Internet as a dissemination tool. It has struggled to find a proper role for the public in its research endeavors: it has not seriously addressed social science needs nor has it developed an effective strategy for balancing public input and expert input. A lack of comprehensive planning has left managers without concrete and measurable objectives and goals. Further, it is unclear that the research, inventory and monitoring effort is properly informing management decision-making. Procedurally, the public is generally dissatisfied with the board's decision-making process; a lack of transparency and openness are creating a non-responsive situation. Finally, the presidential appointment process is hampering responsiveness due to delays and a lack of serious consideration of the mandated expertise requirement as listed in the Act.

It follows that for some of the dependent indicator variables, evidence both supports and refutes an increase in responsiveness. Many individuals and groups

regularly participate in the Trust's public processes, but these are mostly environmental interests or the relatively wealthy, educated residents of Los Alamos. Traditionally the Trust's activities have excluded broad-based participation because of inconvenient meeting times or ineffective dissemination of information. The Preserve employs many effective partnerships, primarily with Pueblos or other federal agencies, and mostly in its research endeavors. However, many local citizens and conservation/environmental groups are feeling excluded. While most feel the listening sessions were quite beneficial and led to an incorporation of public needs in the policies and practices of the Trust, others are feeling disenfranchised by the regular public participation process. The Trust's National Environmental Policy Act procedures are seen as innovative, but they have yet to be effectively implemented. Finally, a lack of a clear understanding of board and staff roles has led to a high rate of turnover among the staff, including at the executive director level, and has diminished responsiveness to the public.

Just as some individual variables indicate both enhanced and diminished responsiveness, the effect of the economic self-sustainability requirement is unclear. The board and staff have yet to reach a unanimous understanding of the stipulation, and there is much disagreement concerning whether such a goal is worthwhile. Because the Preserve is allowed to fail—the property would revert to the U.S. Forest Service—the public trust model may not be an accurate depiction of reality.

Table 3: Responsiveness indicator variables under traditional bureaucratic arrangements and in the Valles Caldera National Preserve, and resulting effect on responsiveness.

Variable	Traditional, Bureaucratic Arrangement	Valles Caldera: Expected Value	Valles Caldera: Actual Value	Responsiveness Increase/Decrease <sup>1</sup>
Representativeness and Participation	Internal: undergoing professional and demographic diversification (Tipple and Wellman 1989)  External: special interests and coalition driven; national organizations most visible (Brown and Harris 1991)	Internal: “mandated representation” assures diverse interests/expertise  External: broad-based participation from local communities	Dominated by environmental interests and well-educated citizens; divisive issues draw greater crowds; inconvenient public meeting times	↑/↓
Responsiveness to National Interests	Primarily responsive to national interests (including national lobbyists and hierarchical authority) (Lowry 1999)	Decidedly local orientation means other mechanisms (structures and processes) assure national responsiveness and accountability	Provided by national nonprofit organizations, ex-official board members, and model itself; national and local interests in balance	↑
Employment of Active Partnerships	Other federal agencies; contracting with third parties (Multinational Monitor 2003)	Win-win arrangements with local groups for social and economic development; advisory groups; federal and state agencies; Pueblos	Strong partnerships with other federal agencies and Pueblos, especially in research and monitoring; lacking at local level and with nonprofit organizations	↑/↓
The Role of Communication, Public Information, and Education	Highly-developed interpretative mission (National Park Service) (Ben-Ari, 2000); information to fulfill legal mandates (Bear 2003)	More proactive and responsive; open access to information for external monitoring; two-way flow to learn from each other	Over-reliance on dysfunctional website; communications manager helped, but position is currently vacant; beginning to develop other avenues for info dissemination	↓

Table 3 (continued): Responsiveness indicator variables under traditional bureaucratic arrangements and in the Valles Caldera National Preserve, and resulting effect on responsiveness.

Variable	Traditional, Bureaucratic Arrangement	Valles Caldera: Expected Value	Valles Caldera: Actual Value	Responsiveness Increase/Decrease <sup>1</sup>
Gathering Data and Sources of Knowledge	Mostly internal to bureaucracy (or outside contractors or experts); scientific effort less integrated into management (Bear 2003)	Citizens participate in research process; social science incorporated; data balanced with human values; adaptive management and feedback	Struggle to balance citizen values with science; has not shared information with public; no serious attention to social science research	↓
Incorporation of Citizen Needs into Policies and Procedures	As required by National Environmental Policy Act or National Forest Management Act; “strawman” alternatives; role for public too late in process? (Steelman 2001)	Stakeholders involved throughout the process; greater satisfaction with the process; more personal conversations	Listening sessions very beneficial; citizens feeling left out; Trust responses to written comments	↑/↓
Monitoring and Performance Standards as Responsiveness Tools	Highly developed research units, but infrequently place-based and incorporated into daily management decisions (Congressional Digest 2006, Jensen 1996, United States Forest Service 2006)	Feedback loops for adaptive management and decision-making; science integrated into management	No clear objectives; unclear role for monitoring to inform management; has not shared information with the public; lack of comprehensive plan	↓
Agency Leaders as Trusted Community Members	Leaders more removed and less visible; Washington outsiders and centralized decision-making (Nelson 1999, Nie 2004)	More personal relationships and interaction; better understanding of the local situation	Board members trusted and respected; enhanced discourse and deliberation (and personal contacts)	↑

Table 3 (continued): Responsiveness indicator variables under traditional bureaucratic arrangements and in the Valles Caldera

National Preserve, and resulting effect on responsiveness.

Variable	Traditional, Bureaucratic Arrangement	Valles Caldera: Expected Value	Valles Caldera: Actual Value	Responsiveness Increase/Decrease <sup>1</sup>
Responsiveness to Profession and Power Base through Outreach	Strong professional affiliations through educational/training experiences (Kaufman 1960, Sabatier et al. 1995)	Because small and somewhat isolated, strive to build professional ties professionally and politically (at all levels of government)	Board interested in political outreach, staff in professional; more at the local (New Mexico) level; priority to improve outreach	↑
Changing World View of the Potential Role of Public Lands	Traditionally plagued by gridlock, polarization and litigation (Nelson 1999); NGOs as watchdogs (Meadowcroft 2004)	“Trust, but verify” approach by stakeholders; can develop win-win scenario; NGOs as partners	Belief that win-win is possible; hope that Valles Caldera can be model for elsewhere; citizens have demonstrated patience;	↑
The Role of Citizens in the Policy Process	As required by federal legislation; criticism of opportunities for only superficial participation and a lack of serious scoping of alternatives (Bear 2003, Steelman and Maguire 1999)	Increased access points for stakeholders; public viewed more as partner-participants than critics who work to interrupt the process	Innovative NEPA procedures but ineffectively implemented; board values public participation; citizens feeling disenfranchised at “lip service”	↑/↓
Decision-Making Structures, Rules, and Procedures	Fairly centralized and top-down; “one size fits all” approach; less deliberative and less open (Bartlett 1990)	Attempt to build consensus among diverse interests and experience; decisions made in public	Lack of openness and transparency	↓

Table 3 (continued): Responsiveness indicator variables under traditional bureaucratic arrangements and in the Valles Caldera National Preserve, and resulting effect on responsiveness.

Variable	Traditional, Bureaucratic Arrangement	Valles Caldera: Expected Value	Valles Caldera: Actual Value	Responsiveness Increase/Decrease <sup>1</sup>
The Economic Self-Sufficiency Requirement and Responsiveness	Not motivating factor as rarely get to retain revenues; complex national budgeting process; lower funding priority for Congress (National Parks Conservation Association 2006, O’Toole 1999)	Resource decisions based upon sustainable use while attempting to maximize profits; responsive to future generation and local economic/social needs	Unclear definition; lack of agreement on whether requirement is worthwhile and obtainable; question of priority; board and staff argue for other criteria for success	unclear
Dynamic Interactions between Agency Leadership and Staff	Traditionally strong hierarchical and professional control; transitioning to diverse workforce with diffuse power bases (more resistance to centralized authority) (Kaufman 1960, Multinational Monitor 2003, Tipple and Wellman 1991)	Diverse board requires collaboration; policy role for board and day-to-day management responsibilities for executive director and staff (separation of responsibilities)	Board members able to leave personal politics aside; lack of clear role for staff vis-à-vis board; large turn-over in staff	↑/↓
Political Responsiveness through Appointments	Traditionally based on Progressive model of technocrats as leaders, but increasing political appointeeism (Vandlik 1995, Wood and Waterman 1991)	Presidential attention results in politicization of the appointment process; struggle to separate experience/expertise from representation of special interest on board	President “politicizes” process; lack of serious commitment to “mandated expertise” requirements; appointments not timely	↓

<sup>1</sup>An up arrow indicates a higher level of responsiveness is achieved in the Valles Caldera National Preserve when compared to traditional bureaucratic institutional delivery; a down arrow indicates a lower level; and the combination of up and down arrows indicates mixed results.

## Theoretical and Policy Implications

The evidence uncovered through the examination of the Valles Caldera National Preserve has theoretical implications for the body of literature concerning responsiveness. As Wilson (1967) and Meier (1993) have stated, citizens of the United States expect their public administrators to be responsible and competent, and at the same time responsive. The Valles Caldera Trust is governed primarily by a citizen board. Each of the appointed trustees must bring a particular expertise to the “boardroom;” this is an attempt to ensure that various interests in the land and its resources are present in all deliberations, decision-making, and policy-making. But this research also demonstrates, at least to a limited degree, that this institutional characteristic also helps balance responsiveness and competence. If individuals are truly appointed according to the expertise mandate of the enabling legislation, they will bring competence in their respective fields. But just as importantly, they will also have a network and understanding of related stakeholder groups. It is therefore possible for trustees, both individually and collectively, to bring both knowledge and responsiveness to their Trust seats. Evidence suggests that although there have been some problems with the political appointment process, most board members have attempted to balance these two qualities.

Not unlike the dilemma discussed in much of the literature, the Trust board and staff members must also determine to whom responsiveness is owed. In the Valles Caldera National Preserve case, the trustees are less worried about national democratic institutions. They do of course keep influential members of the New Mexico congressional delegation abreast of Preserve developments; it is important, for example, to have the political backing of Senator Pete Domenici, especially when dealing with the

federal budget process. But the trustees rarely have much direct contact with the President or the White House, as the Valles Caldera is somewhat off the presidential radar.

The Valles Caldera Trust board and staff members are aware, however, of the need to be responsive directly to the public. In its relatively short history, the Trust has struggled to define this public. There have been some individuals and groups, such as the Valles Caldera Coalition, which have remained active and vocal to this day. But it has been more of a challenge to reach out to the underrepresented, such as Native American and traditional Hispanic populations. However, there is evidence that many local citizens in the vicinity of the Preserve feel the Trust is at least trying to incorporate their views and values. Indeed, responsiveness at the local level is enhanced in certain areas. This is partially because the organization of the Valles Caldera Trust is accessible; the trustees and certain members of the staff are well known, respected, and trusted in land management circles in New Mexico. Further, the Valles Caldera Trust is a small, relatively flat organization. Front-line managers are not removed from the trustees, who are the true decision- and policymakers; past executive directors and board members have been willing to sit down and discuss issues with various stakeholders.

As discussed in Chapter 1, various scholars and practitioners have advocated for a special purpose for bureaucrats, such as the equity-seeking role of New Public Administration or the bridging role of Refounding. Evidence uncovered in this case also suggests that board and staff members see a special purpose for themselves, one which is supported by various external stakeholders. Almost everyone involved agrees that the Valles Caldera National Preserve represents an opportunity to be something different, to

demonstrate to other public land areas that some of the traditional problems, such as gridlock, stalemate, and litigation, can be circumvented. Those charged with managing the Preserve feel that their special role is to show that scientific adaptive management and public needs can be incorporated into a working model which balances the various interests in the land and its resources. They realize this is a unique opportunity, and in order to achieve success they will have to balance the knowledge and expertise they bring to the endeavor with responsiveness to the public.

It is useful once again to revisit the accountability and responsibility frameworks developed by Romzek (1996) and Gilbert (1959). In many ways these frameworks are inverted in the Valles Caldera case; as previously mentioned, the Trust feels more responsive to members of the public and interest groups than to the President or Congress. And although the trustees are responsive to the requirements of law, such as those found in the Valles Caldera Preservation Act or the National Environmental Policy Act, they also feel responsive to the model itself and the idea of informing the larger land management and policy world. As many trustees, staff members, and external stakeholders stressed, it is most important to be responsive to the land; if the Preserve and its resources are conserved and even improved, then the Trust will also have taken care of many of the other public desires, needs, and values. Importantly, just as clearly spelled out by Romzek, the trustees must realize that responsiveness is a dynamic, evolving situation; responsiveness relationships are always present but also always undergoing change.

This research demonstrates mixed results with regard to enhancement of responsiveness in the Valles Caldera National Preserve. In fact, Table 3 indicates only

four variables for which responsiveness is enhanced. Five variables demonstrate lower responsiveness than what is typically found in traditional land management bureaucracies, and five variables show both positive and negative responsiveness elements (with the effect of the economic self-sufficiency requirement being unclear). However, I argue the shortcomings identified, especially indicated by such variables as communication and the role of information, gathering data and sources of knowledge, monitoring and performance standards, decision-making, and responsiveness through appointments, are more flaws associated with implementation than with institutional design. The trustees have struggled to implement some of the requirements of the Preservation Act as identified in Chapters 4 and 5. But they have also struggled to implement some of the tools and procedures that will allow them to enhance responsiveness and achieve many of the goals enumerated in the Act. It is important to note that the Preserve has been in existence only since 2000; the Trust did not assume management from the U.S. Forest Service until 2002. The impacts so far come after a relatively short period of time, especially considering the time-scale of the natural world. For example, the development of a research, inventory and monitoring program, especially one which truly informs the policymaking process, takes time; one could argue that such a system is never perfected and is subject to refinements just as it seeks to help refine other Preserve programs.

This is not to say that the Valles Caldera management model with its unique institutional structures is flawed. By way of summary, evidence exists that it is possible to affect responsiveness through innovative and nontraditional institutional structures and processes. This work supports other studies indicating that bureaucratic collaboration

with other governmental agencies, nonprofit and private sector organizations, and members of the public allows for great responsiveness. Efforts to increase diversity both within the bureaucracy and among external participants are linked to increased responsiveness. Citizen involvement in the research, monitor and policy-making processes enhances responsiveness.

Specifically for the Valles Caldera National Preserve case, a management design emphasizing local needs can increase responsiveness to local communities without sacrificing national interests. This is accomplished primarily through trust and respect shown for local experts serving as trustees or decision-makers. Further, even though not always treated seriously by the political institutions responsible for the appointment process, the requirement that each trustee bring a particular expertise or represent a specific organization interested in the land and its resources can enhance responsiveness. The trust board arrangement demonstrates that intelligent, well-minded people can sit down together to collaborate and reach management decisions.

#### *Advice for the Valles Caldera Trust*

Clearly the Valles Caldera experiment at best has had mixed results to this point. Although some progress has been made toward increased responsiveness and meeting the statutory goals laid out in the enabling legislation, there is much room for improvement. I believe there are no theoretical impediments to achieving greater responsiveness to the public, but rather only practical implementation concerns. There are several actions the board and staff could take, some big and some small, to further enhance responsiveness and ameliorate some of the problems identified by this research. These include:

1. Continue to vary public meeting locations around the state. But also vary meeting start times and days of the week held (include some weekends). Notify the public at least ten days in advance of a public meeting, and disseminate the agenda. Hold information meeting sessions in local communities, including Pueblos.
2. Build stronger, long-lasting partnerships with local communities; more effectively utilize volunteer labor, especially in the research and monitoring arena. Through contracting and other means, involve local experts in many of the day-to-day requirements of managing the Preserve.
3. Ensure that information is posted on the Caldera website in a timely manner. Develop a state-of-the-art web platform for generating “conversations” about Preserve management. Continue to develop alternative methods for disseminating and gathering information. Consider filling the vacant communications manager position, and include “public participation” as an important role of said position.
4. Dedicate a portion of the research, inventory and monitoring budget to social science. Fundraise for this area, and consider tapping into expertise at nearby universities. Share monitoring data with the public in a timely fashion.
5. Make serious effort to implement the National Environmental Policy Act and Stewardship Action Record System requirements.
6. Develop a truly comprehensive plan complete with goals and performance indicators. Involve the public widely in this process, and bring in outside expertise to manage the process.
7. Adopt a policy of open meetings, and invite the public to attend working sessions. Hold all resource utilization discussions in public. Produce comprehensive minutes of such deliberations, and have them available on the Internet and through other techniques.
8. Undergo serious training in the area of board-staff interactions and responsibilities. Create a guidance document which clearly spells out the respective roles of each. Adhere to such an agreement.

Some of these recommendations are obviously easier to implement than others, and some will require financial commitments. However, funding for some of the

suggestions may be available from external sources. Also, a reorganization of staff may be in order.

#### *Advice for the President and the New Mexico Congressional Delegation*

As previously mentioned, special attention should be made concerning the expertise requirements of each Trust board member. In order to avoid some of the same problems occurring on other public lands and to maintain the balance sought after by the framers of the Valles Caldera Preservation Act, it is important to ensure that each appointee is qualified to fill his or her respective seat. Further, appointments should be made in a timely manner to avoid decision-making in absence of a complete, balanced board. Consider reappointing trustees eligible for a second term; the steep learning curve is hard to maneuver in only four years, and continuity, especially in the infancy of the Valles Caldera, is quite important. Finally, trustees to date have expressed personal and collective desire to leave political ideology at the doorstep when undertaking Trust business; appointments should be based less on party affiliation and more on expertise and knowledge of public land and natural resource challenges.

#### *A Word Concerning Economic Self-Sustainability*

A least to date the Valles Caldera National Preserve is not a good test case of the financial self-dependency requirement. A lack of clear understanding of the requirement as well as a question of both its achievability and worthiness has relegated economic self-sustainability to something less than a motivating factor.

Although many board and staff members speak about the importance of pursuing financial self-sustainability, important steps have yet to be made. For now at least the fiduciary responsibility between trustee and beneficiary is not an important variable in how resource decisions are made, and it remains to be seen if it will be in the future.

### Research Limitations and Future Research

One shortcoming of a qualitative case-study design which relies heavily on interview data is the danger of missing important voices. I have included a diverse array of internal actors and active, external stakeholders. But as with any social program, the difficulty lies in reaching those that are inactive, but yet care about what happens to the Preserve. In the Valles Caldera case, this could include citizens throughout the country who want natural areas protected even though they may never visit them. Of course it is impractical to reach many of these individuals. However, the research could be expanded to include those belonging to what one interviewee called “the quiet cultures.” Just as it has proven difficult for the board and staff of the Trust to reach out to some traditional Hispanic and Native American communities, so too was it difficult for me as a researcher to engage these subjects. I was able to speak with several Pueblo representatives, but this required overcoming some significant hurdles, and even then, the subjects were quite guarded in their responses. As everyone said, it can take years to build up a sense of trust with some of the local peoples living around the Valles Caldera, many of whom have great interest in the future of the Preserve.

As with any public policy or program, the Valles Caldera National Preserve is not a static experiment. The danger with case-study research is to examine a snapshot in time, and discount the dynamic changes occurring. The first five years of the Preserve's existence have seen remarkable changes, and those continue on an almost daily basis. A true examination of the effectiveness of the public trust arrangement in the Caldera will be in 2015, when the Trust must prove it's financially self-sufficient, ask Congress for an extension, or come under control of the U.S. Forest Service. There is much the Preserve must accomplish in the remaining time, including development of a comprehensive management plan, permanent activities and programs, and an improved public participation process. There is a great opportunity for longitudinal study, not only to see if the Trust meets the 2015 deadline, but also if such an approach to public lands management is sustainable. Then it may be truly possible to isolate institutional structure or model shortcomings from those more directly related to implementation. Also, as Ostrom (2005) has stated, it is the cluster of institutional characteristics which actually define an institution. It follows that it is impossible to separate the effects of individual model structures from the aggregate whole. However, after an additional period of time, research may be able to indicate which aspects of the model are giving the Trust the most difficulty. The economic self-sustainability requirement, for example, can be better tested ten years from now when the Trust has or has not made a serious effort to replace congressionally appropriate funds with those it generates on the Preserve or from other sources.

As this case study seeks to analytically generalize to responsiveness theory, additional case studies would further understanding. As just mentioned, one way of

doing this is to examine the Valles Caldera experiment at various stages in time to see how the dependent variables, as indicators of responsiveness, vary. Another way would be to examine other federal trusts—such as the Presidio in San Francisco and the Oklahoma City Bombing Memorial—as unrelated as they may appear to be, at least superficially. And perhaps very importantly, several thorough case-study examinations could be undertaken of other public land units managed by traditional bureaucratic agencies, such as the National Park Service and the U.S. Forest Service. Such additional research would greatly enhance the comparative approach here, and allow one to say more concretely which cluster of institutional arrangements, as the independent variable, leads to a higher level of responsiveness. Although such efforts would require considerable resources, the results could lead to new theories about responsiveness that could then in turn be tested by other researchers using a variety of methods.

Many research subjects of this case implicitly or explicitly state that responsiveness to the land is important above all else. This logic argues that the President, Congress, and citizens will be satisfied if the land and its resources are conserved and utilized sustainably. Therefore, this examination of “human” responsiveness can be coupled with “landscape” responsiveness. In other words, are the natural resources and intrinsic beauty of the land better maintained, protected and even improved over what occurs in our nation’s other national parks and forests, such as the Grand Canyon, Yellowstone, and Yosemite? A qualitative research project can be undertaken ten years from now, after the Valles Caldera Trust has implemented regular activities and programs and collected longitudinal data. Further, visitor satisfaction in Valles Caldera can be compared to visitor experiences in other public lands.

Much has been learned through this examination. I believe that the results here have great implications first for responsiveness theory of public lands management, and second for public administration more broadly. For the former, I have identified several recommendations, or levers, which can help the Valles Caldera National Preserve and other forest and park managers achieve a higher level of responsiveness to the citizenry. For the later, the theoretical aspects of the innovative management arrangement of the Valles Caldera imply that responsiveness can be affected both positively and negatively by institutional structures and processes. However, such linkages and tools can be more thoroughly tested through quantitative comparisons among the Valles Caldera National Preserve and other public land areas.

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APPENDIX A: THE VALLES CALDERA PRESERVATION ACT (US PL 106-248)

# VALLES CALDERA NATIONAL PRESERVE AND TRUST

Public Law 106-248—July 25, 2000

14 STAT. 598  
106th Congress

## An Act

To authorize the acquisition of the Valles Caldera, to provide for an effective land and wildlife management program for this resource within the Department of Agriculture, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## TITLE I—VALLES CALDERA NATIONAL PRESERVE AND TRUST

### SEC. 101. SHORT TITLE.

This title may be cited as the “Valles Caldera Preservation Act.”

### SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS. —Congress finds that—

(1) the Baca ranch comprises most of the Valles Caldera in central New Mexico, and constitutes a unique land mass, with significant scientific, cultural, historic, recreational, ecological, wildlife, fisheries, and productive values;

(2) the Valles Caldera is a large resurgent lava dome with potential geothermal activity;

(3) the land comprising the Baca ranch was originally granted to the heirs of Don Luis Maria Cabeza de Vaca in 1860;

(4) historical evidence, in the form of old logging camps and other artifacts, and the history of territorial New Mexico indicate the importance of this land over many generations for domesticated livestock production and timber supply;

(5) the careful husbandry of the Baca ranch by the current owners, including selective timbering, limited grazing and hunting, and the use of prescribed fire, have preserved a mix of healthy range and timber land with significant species diversity, thereby serving as a model for sustainable land development and use;

(6) the Baca ranch’s natural beauty and abundant resources, and its proximity to large municipal populations, could provide numerous recreational opportunities for hiking, fishing, camping, cross-country skiing, and hunting;

(7) the Forest Service documented the scenic and natural values of the Baca ranch in its 1993 study entitled “Report on the Study of the Baca Location No. 1, Santa Fe National Forest, New Mexico,” as directed by Public Law 101-556;

(8) the Baca ranch can be protected for current and future generations by continued operation as a working ranch under a unique management regime which would protect the land and resource values of the property and surrounding ecosystem while allowing and providing for the ranch to eventually become financially self-sustaining;

(9) the current owners have indicated that they wish to sell the Baca ranch, creating an opportunity for Federal acquisition and public access and enjoyment of these lands;

(10) certain features on the Baca ranch have historical and religious significance to Native Americans which can be preserved and protected through Federal acquisition of the property;

(11) the unique nature of the Valles Caldera and the potential uses of its resources with different resulting impacts warrants a management regime uniquely capable of developing an operational program for appropriate preservation and development of the land and resources of the Baca ranch in the interest of the public;

(12) an experimental management regime should be provided by the establishment of a Trust capable of using new methods of public land management that may prove to be cost-effective and environmentally sensitive; and

(13) the Secretary may promote more efficient management of the Valles Caldera and the watershed of the Santa Clara Creek through the assignment of purchase rights of such watershed to the Pueblo of Santa Clara.

(b) PURPOSES. —The purposes of this title are—

(1) to authorize Federal acquisition of the Baca ranch;

(2) to protect and preserve for future generations the scientific, scenic, historic, and natural values of the Baca ranch, including rivers and ecosystems and archaeological, geological, and cultural resources;

(3) to provide opportunities for public recreation;

(4) to establish a demonstration area for an experimental management regime adapted to this unique property which incorporates elements of public and private administration in order to promote long term financial sustainability consistent with the other purposes enumerated in this subsection; and

(5) to provide for sustained yield management of Baca ranch for timber production and domesticated livestock grazing insofar as is consistent with the other purposes stated herein.

### **SEC. 103. DEFINITIONS.**

In this title:

(1) BACA RANCH.—The term “Baca ranch” means the lands and facilities described in section 104(a).

(2) BOARD OF TRUSTEES.—The terms “Board of Trustees” and “Board” mean the Board of Trustees as described in section 107.

(3) COMMITTEES OF CONGRESS.—The term “Committees of Congress” means the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(4) FINANCIALLY SELF-SUSTAINING.—The term “financially self-sustaining” means management and operating expenditures equal to or less than proceeds derived from fees and other receipts for resource use and development and interest on invested funds. Management and operating expenditures shall include Trustee expenses, salaries and benefits of staff, administrative and operating expenses, improvements to and maintenance of lands and facilities of the Preserve, and other similar expenses. Funds appropriated to the Trust by Congress, either directly or through the Secretary, for the purposes of this title shall not be considered.

(5) MULTIPLE USE AND SUSTAINED YIELD.—The term “multiple use and sustained yield” has the combined meaning of the terms “multiple use” and “sustained yield of the several products and services,” as defined under the Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 531).

(6) PRESERVE.—The term “Preserve” means the Valles Caldera National Preserve established under section 105.

(7) SECRETARY.—Except where otherwise provided, the term “Secretary” means the Secretary of Agriculture.

(8) TRUST. —The term “Trust” means the Valles Caldera Trust established under section 106.

#### **SEC. 104. ACQUISITION OF LANDS.**

(a) Acquisition of Baca Ranch.—

(1) IN GENERAL.—In compliance with the Act of June 15, 1926 (16 U.S.C. 471a), the Secretary is authorized to acquire all or part of the rights, title, and interests in and to approximately 94,761 acres of the Baca ranch, comprising the lands, facilities, and structures referred to as the Baca Location No. 1, and generally depicted on a plat entitled “Independent Resurvey of the Baca Location No. 1,” made by L.A. Osterhoudt, W.V. Hall, and Charles W. Devendorf, U.S. Cadastral Engineers, June 30, 1920-August 24, 1921, under special instructions for Group No. 107 dated February 12, 1920, in New Mexico.

(2) SOURCE OF FUNDS.—The acquisition under paragraph (1) may be made by purchase through appropriated or donated funds, by exchange, by contribution, or by donation of land. Funds appropriated to the Secretary from the Land and Water Conservation Fund shall be available for this purpose.

(3) BASIS OF SALE.—The acquisition under paragraph (1) shall be based on an appraisal done in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions and—

(A) in the case of purchase, such purchase shall be on a willing seller basis for no more than the fair market value of the land or interests therein acquired; and

(B) in the case of exchange, such exchange shall be for lands, or interests therein, of equal value, in conformity with the existing exchange authorities of the Secretary.

(4) DEED.—The conveyance of the offered lands to the United States under this subsection shall be by general warranty or other deed acceptable to the

Secretary and in conformity with applicable title standards of the Attorney General.

(b) **ADDITION OF LAND TO BANDELIER NATIONAL MONUMENT.**— Upon acquisition of the Baca ranch under subsection (a), the Secretary of the Interior shall assume administrative jurisdiction over those lands within the boundaries of the Bandelier National Monument as modified under section 3 of Public Law 105-376 (112 Stat. 3389).

(c) **PLAT AND MAPS.**—

(1) **PLAT AND MAPS PREVAIL.**—In case of any conflict between a plat or a map and acreages, the plat or map shall prevail.

(2) **MINOR CORRECTIONS.** —The Secretary and the Secretary of the Interior may make minor corrections in the boundaries of the Upper Alamo watershed as depicted on the map referred to in section 3 of Public Law 105-376 (112 Stat. 3389).

(3) **BOUNDARY MODIFICATION.**—Upon the conveyance of any lands to any entity other than the Secretary, the boundary of the Preserve shall be modified to exclude such lands.

(4) **FINAL MAPS.**—Within 180 days of the date of acquisition of the Baca ranch under subsection (a), the Secretary and the Secretary of the Interior shall submit to the Committees of Congress a final map of the Preserve and a final map of Bandelier National Monument, respectively.

(5) **PUBLIC AVAILABILITY.**—The plat and maps referred to in the subsection shall be kept and made available for public inspection in the offices of the Chief, Forest Service, and Director, National Park Service, in Washington, D.C., and Supervisor, Santa Fe National Forest, and Superintendent, Bandelier National Monument, in the State of New Mexico.

(d) **WATERSHED MANAGEMENT REPORT.**—The Secretary, acting through the Forest Service, in cooperation with the Secretary of the Interior, acting through the National Park Service, shall—

(1) prepare a report of management alternatives which may—

(A) provide more coordinated land management within the area known as the upper watersheds of Alamo, Capulin, Medio, and Sanchez Canyons, including the areas known as the Dome Diversity Unit and the Dome Wilderness;

(B) allow for improved management of elk and other wildlife populations ranging between the Santa Fe National Forest and the Bandelier National Monument; and

(C) include proposed boundary adjustments between the Santa Fe National Forest and the Bandelier National Monument to facilitate the objectives under subparagraphs (A) and (B); and

(2) submit the report to the Committees of Congress within 120 days of the date of enactment of this title.

(e) **OUTSTANDING MINERAL INTERESTS.**—The acquisition of the Baca ranch by the Secretary shall be subject to all outstanding valid existing mineral interests. The Secretary is authorized and directed to negotiate with the owners of any fractional interest in the subsurface estate for the acquisition of such fractional interest on a willing

seller basis for not to exceed its fair market value, as determined by appraisal done in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions. Any such interests acquired within the boundaries of the Upper Alamo watershed, as referred to in subsection (b), shall be administered by the Secretary of the Interior as part of Bandelier National Monument.

(f) **BOUNDARIES OF THE BACA RANCH.**—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the Baca ranch shall be treated as if they were National Forest boundaries existing as of January 1, 1965.

(g) **PUEBLO OF SANTA CLARA.**—

(1) **IN GENERAL.**—The Secretary may assign to the Pueblo of Santa Clara rights to acquire for fair market value portions of the Baca ranch. The portion that may be assigned shall be determined by mutual agreement between the Pueblo and the Secretary based on optimal management considerations for the Preserve including manageable land line locations, public access, and retention of scenic and natural values. All appraisals shall be done in conformity with the Uniform Appraisal Standards for Federal Land Acquisition.

(2) **STATUS OF LAND ACQUIRED.**—As of the date of acquisition, the fee title lands, and any mineral estate underlying such lands, acquired under this subsection by the Pueblo of Santa Clara are deemed transferred into trust in the name of the United States for the benefit of the Pueblo of Santa Clara and such lands and mineral estate are declared to be part of the existing Santa Clara Indian Reservation.

(3) **MINERAL ESTATE.**—Any mineral estate acquired by the United States pursuant to section 104(e) underlying fee title lands acquired by the Pueblo of Santa Clara shall not be developed without the consent of the Secretary of the Interior and the Pueblo of Santa Clara.

(4) **SAVINGS.**—Any reservations, easements, and covenants contained in an assignment agreement entered into under paragraph (1) shall not be affected by the acquisition of the Baca ranch by the United States, the assumption of management by the Valles Caldera Trust, or the lands acquired by the Pueblo being taken into trust.

## **SEC. 105. THE VALLES CALDERA NATIONAL PRESERVE.**

(a) **ESTABLISHMENT.**—Upon the date of acquisition of the Baca ranch under section 104(a), there is hereby established the Valles Caldera National Preserve as a unit of the National Forest System which shall include all Federal lands and interests in land acquired under sections 104(a) and 104(e), except those lands and interests in land administered or held in trust by the Secretary of the Interior under sections 104(b) and 104(g), and shall be managed in accordance with the purposes and requirements of this title.

(b) **PURPOSES.**—The purposes for which the Preserve is established are to protect and preserve the scientific, scenic, geologic, watershed, fish, wildlife, historic, cultural, and recreational values of the Preserve, and to provide for multiple use and sustained yield of renewable resources within the Preserve, consistent with this title.

(c) **MANAGEMENT AUTHORITY.**—Except for the powers of the Secretary enumerated in this title, the Preserve shall be managed by the Valles Caldera Trust established by section 106.

(d) **ELIGIBILITY FOR PAYMENT IN LIEU OF TAXES.**—Lands acquired by the United States under section 104(a) shall constitute entitlement lands for purposes of the Payment in Lieu of Taxes Act (31 U.S.C. 6901-6904).

(e) **WITHDRAWALS.**—

(1) **IN GENERAL.**—Upon acquisition of all interests in minerals within the boundaries of the Baca ranch under section 104(e), subject to valid existing rights, the lands comprising the Preserve are thereby withdrawn from disposition under all laws pertaining to mineral leasing, including geothermal leasing.

(2) **MATERIALS FOR ROADS AND FACILITIES.**—Nothing in this title shall preclude the Secretary, prior to assumption of management of the reserve by the Trust, and the Trust thereafter, from allowing the utilization of common varieties of mineral materials such as sand, stone, and gravel as necessary for construction and maintenance of roads and facilities within the Preserve.

(f) **FISH AND GAME.**—Nothing in this title shall be construed as affecting the responsibilities of the State of New Mexico with respect to fish and wildlife, including the regulation of hunting, fishing, and trapping within the Preserve, except that the Trust may, in consultation with the Secretary and the State of New Mexico, designate zones where and establish periods when no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, the protection of nongame species and their habitats, or public use and enjoyment.

(g) **REDONDO PEAK.**—

(1) **IN GENERAL.**—For the purposes of preserving the natural, cultural, religious, and historic resources on Redondo Peak upon acquisition of the Baca ranch under section 104(a), except as provided in paragraph (2), within the area of Redondo Peak above 10,000 feet in elevation—

(A) no roads, structures, or facilities shall be constructed; and

(B) no motorized access shall be allowed.

(2) **EXCEPTIONS.**—Nothing in this subsection shall preclude—

(A) the use and maintenance of roads and trails existing as of the date of enactment of this Act;

(B) the construction, use and maintenance of new trails, and the relocation of existing roads, if located to avoid Native American religious and cultural sites; and

(C) motorized access necessary to administer the area by the Trust (including measures required in emergencies involving the health or safety of persons within the area).

## **SEC. 106. THE VALLES CALDERA TRUST.**

(a) **ESTABLISHMENT.**—There is hereby established a wholly owned government corporation known as the Valles Caldera Trust which is empowered to conduct business in the State of New Mexico and elsewhere in the United States in furtherance of its corporate purposes.

(b) CORPORATE PURPOSES.—The purposes of the Trust are—

(1) to provide management and administrative services for the Preserve;  
(2) to establish and implement management policies which will best achieve the purposes and requirements of this title;

(3) to receive and collect funds from private and public sources and to make dispositions in support of the management and administration of the Preserve; and

(4) to cooperate with Federal, State, and local governmental units, and with Indian tribes and Pueblos, to further the purposes for which the Preserve was established.

(c) NECESSARY POWERS.—The Trust shall have all necessary and proper powers for the exercise of the authorities vested in it.

(d) STAFF.—

(1) IN GENERAL.—The Trust is authorized to appoint and fix the compensation and duties of an executive director and such other officers and employees as it deems necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may pay them without regard to the provisions of chapter 51, and subchapter III of chapter 53, title 5, United States Code, relating to classification and General Schedule pay rates. No employee of the Trust shall be paid at a rate in excess of that payable to the Supervisor of the Santa Fe National Forest or the Superintendent of the Bandelier National Monument, whichever is greater.

(2) FEDERAL EMPLOYEES.—

(A) IN GENERAL.—Except as provided in this title, employees of the Trust shall be Federal employees as defined by title 5, United States Code, and shall be subject to all rights and obligations applicable thereto.

(B) USE OF FEDERAL EMPLOYEES.—At the request of the Trust, the employees of any Federal agency may be provided for implementation of this title. Such employees detailed to the Trust for more than 30 days shall be provided on a reimbursable basis.

(e) GOVERNMENT CORPORATION.—

(1) IN GENERAL.—The Trust shall be a Government Corporation subject to chapter 91 of title 31, United States Code (commonly referred to as the Government Corporation Control Act). Financial statements of the Trust shall be audited annually in accordance with section 9105 of title 31 of the United States Code.

(2) REPORTS.—Not later than January 15 of each year, the Trust shall submit to the Secretary and the Committees of Congress a comprehensive and detailed report of its operations, activities, and accomplishments for the prior year including information on the status of ecological, cultural, and financial resources being managed by the Trust, and benefits provided by the Preserve to local communities. The report shall also include a section that describes the Trust's goals for the current year.

(3) ANNUAL BUDGET.—

(A) IN GENERAL.—The Trust shall prepare an annual budget with the goal of achieving a financially self-sustaining operation within 15

full fiscal years after the date of acquisition of the Baca ranch under section 104(a).

(B) BUDGET REQUEST.—The Secretary shall provide necessary assistance (including detailees as necessary) to the Trust for the timely formulation and submission of the annual budget request for appropriations, as authorized under section 111(a), to support the administration, operation, and maintenance of the Preserve.

(f) TAXES.—The Trust and all properties administered by the Trust shall be exempt from all taxes and special assessments of every kind by the State of New Mexico, and its political subdivisions including the counties of Sandoval and Rio Arriba.

(g) DONATIONS.—The Trust may solicit and accept donations of funds, property, supplies, or services from individuals, foundations, corporations, and other private or public entities for the purposes of carrying out its duties. The Secretary, prior to assumption of management of the Preserve by the Trust, and the Trust thereafter, may accept donations from such entities notwithstanding that such donors may conduct business with the Department of Agriculture or any other department or agency of the United States.

(h) PROCEEDS.—

(1) IN GENERAL.—Notwithstanding sections 1341 and 3302 of title 31 of the United States Code, all monies received from donations under subsection (g) or from the management of the Preserve shall be retained and shall be available, without further appropriation, for the administration, preservation, restoration, operation and maintenance, improvement, repair, and related expenses incurred with respect to properties under its management jurisdiction.

(2) FUND.—There is hereby established in the Treasury of the United States a special interest bearing fund entitled “Valles Caldera Fund” which shall be available, without further appropriation for any purpose consistent with the purposes of this title. At the option of the Trust, or the Secretary in accordance with section 110, the Secretary of the Treasury shall invest excess monies of the Trust in such account, which shall bear interest at rates determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturity.

(i) RESTRICTIONS ON DISPOSITION OF RECEIPTS.—Any funds received by the Trust, or the Secretary in accordance with section 109(b), from the management of the Preserve shall not be subject to partial distribution to the State under—

(1) the Act of May 23, 1908, entitled “an Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and nine” (35 Stat. 260, chapter 192; 16 U.S.C. 500);

(2) section 13 of the Act of March 1, 1911 (36 Stat. 963, chapter 186; 16 U.S.C. 500); or

(3) any other law.

(j) SUITS.—The Trust may sue and be sued in its own name to the same extent as the Federal Government. For purposes of such suits, the residence of the Trust shall be the State of New Mexico. The Trust shall be represented by the Attorney General in any

litigation arising out of the activities of the Trust, except that the Trust may retain private attorneys to provide advice and counsel.

(k) **BYLAWS.**—The Trust shall adopt necessary bylaws to govern its activities.

(l) **INSURANCE AND BOND.**—The Trust shall require that all holders of leases from, or parties in contract with, the Trust that are authorized to occupy, use, or develop properties under the management jurisdiction of the Trust, procure proper insurance against any loss in connection with such properties, or activities authorized in such lease or contract, as is reasonable and customary.

(m) **NAME AND INSIGNIA.**—The Trust shall have the sole and exclusive right to use the words “Valles Caldera Trust,” and any seal, emblem, or other insignia adopted by the Board of Trustees. Without express written authority of the Trust, no person may use the words “Valles Caldera Trust” as the name under which that person shall do or purport to do business, for the purpose of trade, or by way of advertisement, or in any manner that may falsely suggest any connection with the Trust.

## **SEC. 107. BOARD OF TRUSTEES.**

(a) **IN GENERAL.**—The Trust shall be governed by a 9-member Board of Trustees consisting of the following:

(1) **VOTING TRUSTEES.**—The voting Trustees shall be—

(A) the Supervisor of the Santa Fe National Forest, United States Forest Service;

(B) the Superintendent of the Bandelier National Monument, National Park Service; and

(C) seven individuals, appointed by the President, in consultation with the congressional delegation from the State of New Mexico. The seven individuals shall have specific expertise or represent an organization or government entity as follows—

(i) one trustee shall have expertise in aspects of domesticated livestock management, production, and marketing, including range management and livestock business management;

(ii) one trustee shall have expertise in the management of game and nongame wildlife and fish populations, including hunting, fishing, and other recreational activities;

(iii) one trustee shall have expertise in the sustainable management of forest lands for commodity and noncommodity purposes;

(iv) one trustee shall be active in a nonprofit conservation organization concerned with the activities of the Forest Service;

(v) one trustee shall have expertise in financial management, budget and program analysis, and small business operations;

(vi) one trustee shall have expertise in the cultural and natural history of the region; and

(vii) one trustee shall be active in State or local government in New Mexico, with expertise in the customs of the local area.

(2) **QUALIFICATIONS.**—Of the trustees appointed by the President—

- (A) none shall be employees of the Federal Government; and
- (B) at least five shall be residents of the State of New Mexico.

(b) INITIAL APPOINTMENTS.—The President shall make the initial appointments to the Board of Trustees within 90 days after acquisition of the Baca ranch under section 104(a).

(c) TERMS.—

(1) IN GENERAL.—Appointed trustees shall each serve a term of 4 years, except that of the trustees first appointed, four shall serve for a term of 4 years, and three shall serve for a term of 2 years.

(2) VACANCIES.—Any vacancy among the appointed trustees shall be filled in the same manner in which the original appointment was made, and any trustee appointed to fill a vacancy shall serve for the remainder of that term for which his or her predecessor was appointed.

(3) LIMITATIONS.—No appointed trustee may serve more than 8 years in consecutive terms.

(d) QUORUM.—A majority of trustees shall constitute a quorum of the Board for the conduct of business.

(e) ORGANIZATION AND COMPENSATION.—

(1) IN GENERAL.—The Board shall organize itself in such a manner as it deems most appropriate to effectively carry out the activities of the Trust.

(2) COMPENSATION OF TRUSTEES.—Trustees shall serve without pay, but may be reimbursed from the funds of the Trust for the actual and necessary travel and subsistence expenses incurred by them in the performance of their duties.

(3) CHAIR.—Trustees shall select a chair from the membership of the Board.

(f) LIABILITY OF TRUSTEES.—Appointed trustees shall not be considered Federal employees by virtue of their membership on the Board, except for purposes of the Federal Tort Claims Act, the Ethics in Government Act, and the provisions of chapter 11 of title 18, United States Code.

(g) MEETINGS.—

(1) LOCATION AND TIMING OF MEETINGS.—The Board shall meet in sessions open to the public at least three times per year in New Mexico. Upon a majority vote made in open session, and a public statement of the reasons therefore, the Board may close any other meetings to the public: Provided, That any final decision of the Board to adopt or amend the comprehensive management program under section 108(d) or to approve any activity related to the management of the land or resources of the Preserve shall be made in open public session.

(2) PUBLIC INFORMATION.—In addition to other requirements of applicable law, the Board shall establish procedures for providing appropriate public information and periodic opportunities for public comment regarding the management of the Preserve.

## **SEC. 108. RESOURCE MANAGEMENT.**

(a) ASSUMPTION OF MANAGEMENT.—The Trust shall assume all authority provided by this title to manage the Preserve upon a determination by the Secretary,

which to the maximum extent practicable shall be made within 60 days after the appointment of the Board, that—

- (1) the Board is duly appointed, and able to conduct business; and
- (2) provision has been made for essential management services.

(b) **MANAGEMENT RESPONSIBILITIES.**—Upon assumption of management of the Preserve under subsection (a), the Trust shall manage the land and resources of the Preserve and the use thereof including, but not limited to such activities as—

- (1) administration of the operations of the Preserve;
- (2) preservation and development of the land and resources of the Preserve;
- (3) interpretation of the Preserve and its history for the public;
- (4) management of public use and occupancy of the Preserve; and
- (5) maintenance, rehabilitation, repair, and improvement of property within the Preserve.

(c) **AUTHORITIES.**—

(1) **IN GENERAL.**—The Trust shall develop programs and activities at the Preserve, and shall have the authority to negotiate directly and enter into such agreements, leases, contracts and other arrangements with any person, firm, association, organization, corporation or governmental entity, including without limitation, entities of Federal, State, and local governments, and consultation with Indian tribes and Pueblos, as are necessary and appropriate to carry out its authorized activities or fulfill the purposes of this title. Any such agreements may be entered into without regard to section 321 of the Act of June 30, 1932 (40 U.S.C. 303b).

(2) **PROCEDURES.**—The Trust shall establish procedures for entering into lease agreements and other agreements for the use and occupancy of facilities of the Preserve. The procedures shall ensure reasonable competition, and set guidelines for determining reasonable fees, terms, and conditions for such agreements.

(3) **LIMITATIONS.**—The Trust may not dispose of any real property in, or convey any water rights appurtenant to the Preserve. The Trust may not convey any easement, or enter into any contract, lease, or other agreement related to use and occupancy of property within the Preserve for a period greater than 10 years. Any such easement, contract, lease, or other agreement shall provide that, upon termination of the Trust, such easement, contract, lease or agreement is terminated.

(4) **APPLICATION OF PROCUREMENT LAWS.**—

(A) **IN GENERAL.**—Notwithstanding any other provision of law, Federal laws and regulations governing procurement by Federal agencies shall not apply to the Trust, with the exception of laws and regulations related to Federal Government contracts governing health and safety requirements, wage rates, and civil rights.

(B) **PROCEDURES.**—The Trust, in consultation with the administrator of Federal Procurement Policy, Office of Management and Budget, shall establish and adopt procedures applicable to the Trust's procurement of goods and services, including the award of contracts on

the basis of contractor qualifications, price, commercially reasonable buying practices, and reasonable competition.

(d) **MANAGEMENT PROGRAM.**—Within two years after assumption of management responsibilities for the Preserve, the Trust shall, in accordance with subsection (f), develop a comprehensive program for the management of lands, resources, and facilities within the Preserve to carry out the purposes under section 105(b). To the extent consistent with such purposes, such program shall provide for—

- (1) operation of the Preserve as a working ranch, consistent with paragraphs (2) through (4);
- (2) the protection and preservation of the scientific, scenic, geologic, watershed, fish, wildlife, historic, cultural and recreational values of the Preserve;
- (3) multiple use and sustained yield of renewable resources within the Preserve;
- (4) public use of and access to the Preserve for recreation;
- (5) renewable resource utilization and management alternatives that, to the extent practicable—
  - (A) benefit local communities and small businesses;
  - (B) enhance coordination of management objectives with those on surrounding National Forest System land; and
  - (C) provide cost savings to the Trust through the exchange of services, including but not limited to labor and maintenance of facilities, for resources or services provided by the Trust; and
- (6) optimizing the generation of income based on existing market conditions, to the extent that it does not unreasonably diminish the long-term scenic and natural values of the area, or the multiple use and sustained yield capability of the land.

(e) **PUBLIC USE AND RECREATION.**—

(1) **IN GENERAL.**—The Trust shall give thorough consideration to the provision of appropriate opportunities for public use and recreation that are consistent with the other purposes under section 105(b). The Trust is expressly authorized to construct and upgrade roads and bridges, and provide other facilities for activities including, but not limited to camping and picnicking, hiking, and cross country skiing. Roads, trails, bridges, and recreational facilities constructed within the Preserve shall meet public safety standards applicable to units of the National Forest System and the State of New Mexico.

(2) **FEES.**—Notwithstanding any other provision of law, the Trust is authorized to assess reasonable fees for admission to, and the use and occupancy of, the Preserve: Provided, That admission fees and any fees assessed for recreational activities shall be implemented only after public notice and a period of not less than 60 days for public comment.

(3) **PUBLIC ACCESS.**—Upon the acquisition of the Baca ranch under section 104(a), and after an interim planning period of no more than two years, the public shall have reasonable access to the Preserve for recreation purposes. The Secretary, prior to assumption of management of the Preserve by the Trust, and the Trust thereafter, may reasonably limit the number and types of recreational admissions to the Preserve, or any part thereof, based on the

capability of the land, resources, and facilities. The use of reservation or lottery systems is expressly authorized to implement this paragraph.

(f) **APPLICABLE LAWS.**—

(1) **IN GENERAL.**—The Trust, and the Secretary in accordance with section 109(b), shall administer the Preserve in conformity with this title and all laws pertaining to the National Forest System, except the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended (16 U.S.C. 1600 et seq.).

(2) **ENVIRONMENTAL LAWS.**—The Trust shall be deemed a Federal agency for the purposes of compliance with Federal environmental laws.

(3) **CRIMINAL LAWS.**—All criminal laws relating to Federal property shall apply to the same extent as on adjacent units of the National Forest System.

(4) **REPORTS ON APPLICABLE RULES AND REGULATIONS.**—The Trust may submit to the Secretary and the Committees of Congress a compilation of applicable rules and regulations which in the view of the Trust are appropriate, incompatible with this title, or unduly burdensome.

(5) **CONSULTATION WITH TRIBES AND PUEBLOS.**—The Trust is authorized and directed to cooperate and consult with Indian tribes and Pueblos on management policies and practices for the Preserve which may affect them. The Trust is authorized to allow the use of lands within the Preserve for religious and cultural uses by Native Americans and, in so doing, may set aside places and times of exclusive use consistent with the American Indian Religious Freedom Act (42 U.S.C. 1996 (note)) and other applicable statutes.

(6) **NO ADMINISTRATIVE APPEAL.**—The administrative appeals regulations of the Secretary shall not apply to activities of the Trust and decisions of the Board.

(g) **LAW ENFORCEMENT AND FIRE MANAGEMENT.**—The Secretary shall provide law enforcement services under a cooperative agreement with the Trust to the extent generally authorized in other units of the National Forest System. The Trust shall be deemed a Federal agency for purposes of the law enforcement authorities of the Secretary (within the meaning of section 15008 of the National Forest System Drug Control Act of 1986 (16 U.S.C. 559g)). At the request of the Trust, the Secretary may provide fire presuppression, fire suppression, and rehabilitation services: Provided, That the Trust shall reimburse the Secretary for salaries and expenses of fire management personnel, commensurate with services provided.

**SEC. 109. AUTHORITIES OF THE SECRETARY.**

(a) **IN GENERAL.**—Notwithstanding the assumption of management of the Preserve by the Trust, the Secretary is authorized to—

(1) issue any rights-of-way, as defined in the Federal Land Policy and Management Act of 1976, of over 10 years duration, in cooperation with the Trust, including, but not limited to, road and utility rights-of-way, and communication sites;

(2) issue orders under and enforce prohibitions generally applicable on other units of the National Forest System, in cooperation with the Trust;

(3) exercise the authorities of the Secretary under the Wild and Scenic Rivers Act (16 U.S.C. 1278, et seq.) and the Federal Power Act (16 U.S.C. 797, et seq.), in cooperation with the Trust;

(4) acquire the mineral rights referred to in section 104(e);

(5) provide law enforcement and fire management services under section 108(g);

(6) at the request of the Trust, exchange land or interests in land within the Preserve under laws generally applicable to other units of the National Forest System, or otherwise dispose of land or interests in land within the Preserve under Public Law 97-465 (16 U.S.C. 521c through 521i);

(7) in consultation with the Trust, refer civil and criminal cases pertaining to the Preserve to the Department of Justice for prosecution;

(8) retain title to and control over fossils and archaeological artifacts found within the Preserve;

(9) at the request of the Trust, construct and operate a visitors' center in or near the Preserve, subject to the availability of appropriated funds;

(10) conduct the assessment of the Trust's performance, and, if the Secretary determines it necessary, recommend to Congress the termination of the Trust, under section 110(b)(2); and

(11) conduct such other activities for which express authorization is provided to the Secretary by this title.

(b) INTERIM MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Preserve in accordance with this title during the interim period from the date of acquisition of the Baca ranch under section 104(a) to the date of assumption of management of the Preserve by the Trust under section 108. The Secretary may enter into any agreement, lease, contract, or other arrangement on the same basis as the Trust under section 108(c)(1): Provided, That any agreement, lease, contract, or other arrangement entered into by the Secretary shall not exceed two years in duration unless expressly extended by the Trust upon its assumption of management of the Preserve.

(2) USE OF THE FUND.—All monies received by the Secretary from the management of the Preserve during the interim period under paragraph (1) shall be deposited into the "Valles Caldera Fund" established under section 106(h)(2), and such monies in the fund shall be available to the Secretary, without further appropriation, for the purpose of managing the Preserve in accordance with the responsibilities and authorities provided to the Trust under section 108.

(c) SECRETARIAL AUTHORITY.—The Secretary retains the authority to suspend any decision of the Board with respect to the management of the Preserve if he finds that the decision is clearly inconsistent with this title. Such authority shall only be exercised personally by the Secretary, and may not be delegated. Any exercise of this authority shall be in writing to the Board, and notification of the decision shall be given to the Committees of Congress. Any suspended decision shall be referred back to the Board for reconsideration.

(d) ACCESS.—The Secretary shall at all times have access to the Preserve for administrative purposes.

## **SEC. 110. TERMINATION OF THE TRUST.**

(a) **IN GENERAL.**—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).

(b) **RECOMMENDATIONS.**—

(1) **BOARD.**—

(A) If after the fourteenth full fiscal years from the date of acquisition of the Baca ranch under section 104(a), the Board believes the Trust has met the goals and objectives of the comprehensive management program under section 108(d), but has not become financially self-sustaining, the Board may submit to the Committees of Congress, a recommendation for authorization of appropriations beyond that provided under this title.

(B) During the eighteenth full fiscal year from the date of acquisition of the Baca ranch under section 104(a), the Board shall submit to the Secretary its recommendation that the Trust be either extended or terminated including the reasons for such recommendation.

(2) **SECRETARY.**—Within 120 days after receipt of the recommendation of the Board under paragraph (1)(B), the Secretary shall submit to the Committees of Congress the Board's recommendation on extension or termination along with the recommendation of the Secretary with respect to the same and stating the reasons for such recommendation.

(c) **EFFECT OF TERMINATION.**—In the event of termination of the Trust, the Secretary shall assume all management and administrative functions over the Preserve, and it shall thereafter be managed as a part of the Santa Fe National Forest, subject to all laws applicable to the National Forest System.

(d) **ASSETS.**—In the event of termination of the Trust, all assets of the Trust shall be used to satisfy any outstanding liabilities, and any funds remaining shall be transferred to the Secretary for use, without further appropriation, for the management of the Preserve.

(e) **VALLES CALDERA FUND.**—In the event of termination, the Secretary shall assume the powers of the Trust over funds under section 106(h), and the Valles Caldera Fund shall not terminate. Any balances remaining in the fund shall be available to the Secretary, without further appropriation, for any purpose consistent with the purposes of this title.

## **SEC. 111. LIMITATIONS ON FUNDING.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There is hereby authorized to be appropriated to the Secretary and the Trust such funds as are necessary for them to carry out the purposes of this title for each of the 15 full fiscal years after the date of acquisition of the Baca ranch under section 104(a).

(b) **SCHEDULE OF APPROPRIATIONS.**—Within two years after the first meeting of the Board, the Trust shall submit to Congress a plan which includes a schedule of annual decreasing appropriated funds that will achieve, at a minimum, the financially self-sustained operation of the Trust within 15 full fiscal years after the date of acquisition of the Baca ranch under section 104(a).

**SEC. 112. GENERAL ACCOUNTING OFFICE STUDY.**

(a) INITIAL STUDY.—Three years after the assumption of management by the Trust, the General Accounting Office shall conduct an interim study of the activities of the Trust and shall report the results of the study to the Committees of Congress. The study shall include, but shall not be limited to, details of programs and activities operated by the Trust and whether it met its obligations under this title.

(b) SECOND STUDY.—Seven years after the assumption of management by the Trust, the General Accounting Office shall conduct a study of the activities of the Trust and shall report the results of the study to the Committees of Congress. The study shall provide an assessment of any failure to meet obligations that may be identified under subsection (a), and further evaluation on the ability of the Trust to meet its obligations under this title.

## APPENDIX B: INTERVIEW PROTOCOLS

Interview Protocol  
**VCNP Trustees and Professional Staffers**

Representativeness and Participation

1. Who, generally speaking, has attended your public meetings? Is there one group that is more vocal than others?
2. Do you feel that all stakeholders groups have been adequately represented at listening sessions and public meetings? If not, why? What obstacles may exist?
3. What has kept stakeholders involved?
4. What steps have you and the board/staff taken to “recruit” participants? How are sessions advertised?
5. What do you find most beneficial about diverse and inclusive participation? Least beneficial?

Responsiveness to National Interests

6. How do you balance local and national interests?
7. Can you think of a situation in which they were in conflict?
8. What are some of your efforts to recognize and incorporate concerns of citizens who live outside the VCNP area?
9. [for Superintendent of Bandelier National Monument and Supervisor of Santa Fe National Forest] How would you say the balance between local and national interests is different in VCNP than in BNM/SFNF?

Employment of Active Partnerships

10. Do you see VCNP and the Trust as partners to others in managing the preserve? If so, who are some of the most important partners? How is a potential partner identified and recruited? What do you see as the benefits of partnering? Detriments?
11. What are your relationships with local, state, and national government entities?

The Role of communication, Public Information, and Education

12. Do stakeholders contact you directly with questions, concerns, suggestions? If so, how do you respond?
13. What has the Trust found as the most effective way to share information with the public?
14. Is public education a priority for the trust? How is it implemented? To what end?
15. Has the Internet been a useful tool for disseminating information? What about for gathering information?

Gathering Data and Sources of Knowledge

16. What have you found to be useful sources of information/knowledge in making decisions concerning the preserve?
17. What sources have provided you with information?
18. How do you balance expert, or scientific information and knowledge, with citizen values? How do you collect each?
19. How do you balance VCNP information or knowledge with “outside” information or knowledge?

20. How have you bridged the “technical jargon” gap between citizens and experts/scientists?

Incorporation of Citizen Needs into Policies and Procedures

21. Have citizen needs/demands/values been incorporated into VCNP policies or management plans? If so, can you give an example? What are the mechanisms in place for this?
22. Have you ever had to explain to stakeholder why his or her suggestion was not incorporated into VCNP policy?

Monitoring and Performance Standards as Responsiveness Tools

23. How does the trust evaluate its work? How often?
24. How is evaluation reported back to the public?
25. How important is performance to overall responsiveness to various stakeholders?

Agency Leaders as Trusted Community Members

26. Do you feel that you are member of the local (VCNP, Los Alamos, Albuquerque-Santa Fe) community? How does this manifest itself in the way you make decisions concerning VCNP?
27. Do you see yourself as part of the local economic and environmental network?

Responsiveness to Profession and Power Base through Outreach

28. How often do you speak about VCNP locally, state-wide, and nationally? In what venues?
29. Are you often interviewed by the media?
30. Who are your professional colleagues outside of VCNP?
31. Have you been to Washington to discuss VCNP with representatives of the federal government?

Changing World View of the Potential Role of Public Lands

32. Would you say there are trust and respect between VCNP trustees/staff and the various stakeholders? Have you witnessed significant increases in the level of trust and respect? If so, what accounts for this? How does this facilitate VCNP goals?
33. Do you think VCNP can establish a “win-win” situation between environmental protection and the local economy?
34. Do you feel you have a personal relationship with various stakeholders?
35. What do you have in common with various stakeholders?
36. How do you feel these things differ in VCNP versus other public land areas?
37. What has been the greatest challenge to balancing the mission of VCNP?

The Role of Citizens in the Policy Process

38. At what stages of VCNP decision-making and policy-making do you value citizen involvement? At what stages are citizens the most vocal?
39. Were the listening sessions beneficial? Why or why not?
40. Is there a process for appealing trust decisions? Have any legal actions been taken against the trust?

Decision-Making Structures, Rules, and Procedures

41. How are board decisions made (vote, consensus, other)? Are these done in a public setting?
42. What rules do you follow when making decisions?

Other (General)

43. What do you see as your primary role with VCNP?
44. What do you see as major successes to date?
45. How do you think management of VCNP will affect the outside world?
46. What are the biggest threats facing VCNP?
47. Anything else I should know? Anyone else I should speak with?

Interview Protocol  
**Outside Stakeholders (including state and local government officials)**

Representativeness and Participation

1. When did you first become involved with VCNP? Why? How did you first find out about this “new experiment”?
2. How frequently do you participate? What has kept you involved?
3. Are there some stakeholder groups that are more active and louder than others? Or are they all on active footing?
4. Do you feel that all stakeholders groups have been adequately represented at listening sessions and public meetings? If not, why? What obstacles may exist?
5. What do you find most beneficial about diverse and inclusive participation? Least beneficial?

Responsiveness to National Interests

6. Are local, state or national issues more important? How are these balanced?
7. Can you think of a situation in which they were in conflict?
8. What are some of your efforts to recognize and incorporate concerns of stakeholders outside your group, either geographically or by area of interest?
9. How would you say the balance between local and national interests is different in VCNP than in other public land areas?

Employment of Active Partnerships

10. Do you see VCNP and the Trust as partners in managing the preserve? What role do you and your organization play? What do you see as the benefits of partnering? Detriments?
11. What are your relationships with other public land government entities?

The Role of Communication, Public Information, and Education

12. Have you contacted a VCNP trustee (board member) or professional staff member directly with questions, concerns, suggestions? If so, how has she or he responded?
13. Has the Trust effectively shared information with you and the public? By what means?
14. Is public education a priority for the trust? And for you? For what purpose, and through what means?
15. Has the Internet been a useful tool for disseminating information? What about for gathering information?

Gathering Data and Sources of Knowledge

16. Have you provided information/knowledge to the trust in their decision-making process? Was this valued?
17. Does the trust balance expert, or scientific information and knowledge, with citizen values? What weight do you place on each of these?
18. Does VCNP balance “internal” information and knowledge with “outside” information or knowledge?
19. Does VCNP provide and solicit information in terms understandable to everyone?

### Incorporation of Citizen Needs into Policies and Procedures

20. Have citizen needs/demands/values been incorporated into VCNP policies or management plans? If so, can you give an example? What are the mechanisms in place for this?
21. Has a representative of VCNP ever explained why your suggestion was not incorporated into VCNP policy?

### Monitoring and Performance Standards as Responsiveness Tools

22. How does the trust evaluate its work? How often?
23. How is evaluation reported back to the public?
24. How important is performance to overall responsiveness to various stakeholders?

### Agency Leaders as Trusted Community Members

25. Do you feel that the board members are also members of the local (VCNP, Los Alamos, Albuquerque-Santa Fe) community? How does this manifest itself in the way it makes decisions concerning VCNP?
26. Do you feel that you and your organization are members of the local community?
27. Do you see yourself as part of the local economic and environmental network?

### Responsiveness to Profession and Power Base through Outreach

28. How often do you speak about VCNP locally, state-wide, and nationally? In what venues?
29. Are you often interviewed by the media?
30. Have you been to Washington to discuss VCNP with representatives of the federal government? With NGOs?

### Changing World View of the Potential Role of Public Lands

31. Would you say there are trust and respect between VCNP trustees/staff and the various stakeholders? Have you witnessed significant increases in the level of trust and respect? If so, what accounts for this? How does this facilitate VCNP goals?
32. Do you think VCNP can establish a “win-win” situation between environmental protection and the local economy?
33. Do you feel you have a personal relationship with various trustees or professional staffers?
34. What do you have in common with various board members and professional staff members?
35. How do you feel these things differ in VCNP versus other public land areas?
36. What has been the greatest challenge to balancing the mission of VCNP?

### The Role of Citizens in the Policy Process

37. At what stages of VCNP decision-making and policy-making are you involved? At what stages are you the most vocal?
38. Were the listening sessions beneficial? Why or why not?
39. Is there a process for appealing trust decisions? Have you appealed a decision or taken any legal action?

40. What advocacy strategies do you employ? What are the biggest challenges you face in influencing the trust? What is different about working on VCNP policies and issues versus other public land areas?

Decision-Making Structures, Rules, and Procedures

41. How are board decisions made (vote, consensus, other)? Are these done in a public setting?

Other (General)

42. What do you see as your primary role with VCNP?

43. What do you see as major successes to date?

44. How do you think management of VCNP will affect the outside world?

45. What are the biggest threats facing VCNP?

46. Anything else I should know? Anyone else I should speak with?

Interview Protocol  
**Congressional Representatives (U.S. Congressmen or Staffers)**

1. What were your goals in sponsoring this legislation?
2. Why this approach versus the traditional bureaucratic approach (NPS or USFS)?
3. Why the local representation and stakeholder representation among the board members?
4. What is the goal of economic self-sufficiency by 2015?
5. How are the local and national interests represented and balanced within the preserve? What if they are in conflict?
6. Does the VCNP experiment balance expert or scientific information and knowledge, with citizen values? What weight do you place on each of these?
7. How important is performance to overall responsiveness to various stakeholders?
8. Do you foresee the VCNP model being adopted elsewhere?
9. Do you think VCNP can establish a “win-win” situation between environmental protection and the local economy?
10. How do you feel these things differ in VCNP versus other public land areas?
11. What do you see as major successes to date?
12. How do you think management of VCNP will affect the outside world?
13. What are the biggest threats facing VCNP?
14. Anything else I should know? Anyone else I should speak with?

APPENDIX C: MANAGEMENT PRINCIPLES OF THE VALLES CALDERA TRUST

**Valles Caldera Trust**  
**Management Principles**  
(Adopted: December 13, 2001)

1. We will administer the Preserve with the long term in mind, directing our efforts toward the benefit of future generations.
2. Recognizing that the Preserve possesses a rich sense of place and qualities not to be found anywhere else, we commit ourselves to the protection of its ecological, cultural, and aesthetic integrity.
3. We will strive to achieve a high level of integrity in our stewardship of the lands, programs and other assets in our care. This includes adopting an ethic of financial thrift and discipline and exercising good business sense.
4. We will exercise restraint in the implementation of all programs, basing them on sound science and adjusting them consistent with the principles of adaptive management.
5. Recognizing the unique heritage of northern New Mexico's traditional cultures, we will be a good neighbor to surrounding communities, striving to avoid negative impacts from Preserve activities and to generate positive impacts.
6. Recognizing the religious significance of the Preserve to Native Americans, the Trust bears a special responsibility to accommodate the religious practices of nearby tribes and pueblos, and to protect sites of special significance.
7. Recognizing the importance of clear and open communication, we commit ourselves to maintaining a productive dialogue with those who would advance the purposes of the Preserve and, where appropriate, to developing partnerships with them.
8. Recognizing that the Preserve is part of a larger ecological whole, we will cooperate with adjacent landowners and managers to achieve a healthy regional ecosystem.
9. Recognizing the great potential of the Preserve for learning and inspiration, we will strive to integrate opportunities for research, reflection and education in the programs of the Preserve.
10. In providing opportunities to the public, we will emphasize quality of experience over quantity of experiences. In doing so, while we reserve the right to limit participation or to maximize revenue in certain instances, we commit ourselves to providing fair and affordable access for all permitted activities.