



UNITED STATES MISSION
TO THE UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS
IN GENEVA

April 29, 2014

Mr. James Anaya
Special Rapporteur on the Rights of Indigenous Peoples
United Nations Office of the High Commissioner for
Human Rights (UNOHCHR)
Palais Wilson
1211, Geneva

Geneva, Switzerland

Dear Mr. Anaya:

Thank you for your letter dated January 13, 2014. The United States fully supports the mandate of the Special Rapporteur on the Rights of Indigenous Peoples, and we appreciate the opportunity to respond to this inquiry.

Attached to this letter is our response to the inquiry, which will provide you with relevant information concerning the Valles Caldera National Preserve.

Sincerely,

Peter F. Mulrean
Chargé d'Affaires *ad interim*

Enclosure
As Stated

OHCHR REGISTRY

01 MAY 2014

Recipients : SPB.....
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UNITED STATES RESPONSE TO UN INQUIRY CONCERNING THE VALLES CALDERA NATIONAL PRESERVE

Q1: What is the United States' response to the Jemez Pueblo's request for the return of lands encompassing the Valles Caldera National Preserve?

The Pueblo of Jemez has filed a lawsuit against the United States which is currently before the United States Court of Appeals for the Tenth Circuit (No. 13-2181 – Pueblo of Jemez v. United States). The Government of the United States cannot comment on cases that are currently in litigation.

Q2: What specific measures have been taken to assist the Jemez Pueblo in retaining the capacity of its members to maintain access to sites of cultural or religious significance within the Valles Caldera National Preserve?

The Board of Trustees reaffirms that the adopted "Tribal Use and Access Policy" dated May 2004 and attached hereto is still in effect. This Tribal Access and Use Policy describes the Valles Caldera Trust's policy and process for tribal access within the Valles Caldera National Preserve (VCNP) for religious and cultural uses consistent with the American Indian Religious Freedom Act and other applicable statutes. The primary purpose of this policy is to provide Pueblos and Indian tribes that have a cultural affiliation to the Preserve with access to the Preserve and use of the lands within the Preserve for cultural and religious practices.

Q3: What specific measures will be taken to address the concerns of the Jemez Pueblo regarding the plans of the Valles Caldera Board of Trustees to increase public access to the Valles Caldera National Preserve and the possible impacts that might bring to the continuation of traditional culture and spiritual practices and sacred and other culturally significant sites within the Preserve?

The Trust manages the land and resources of the Preserve consistent with the purposes of the Valles Caldera Preservation Act (P.L. 106-248, codified at 16 U.S.C. §§ 698v through 698v10 and as amended by P.L. 109-132). The Valles Caldera Trust recognizes and values the government-to-government relationship they share with Native American tribal entities. The Trust staff regularly consults with neighboring tribes, including Jemez Pueblo, on programs and policies as specified in the Valles Caldera Preservation Act and Executive direction.

The Board and staff of the Valles Caldera Trust continue to discuss the appropriate measures needed to be taken in order to address the concerns of the Jemez Pueblo and other tribal interests regarding the possible impacts of increased public access. At the September 2013 public meeting, the Valles Caldera Board of Trustees passed a motion to open the preserve to unstructured foot access for hiking with a permit pending a plan from VCNP staff that would address issues related to this motion. Recognizing that some areas may need to be closed or restricted from the proposed public access, the Board also added that lawful closures would be managed by the staff with approval of the Board Chairman and notification to the full Board. In the discussion, the Board made clear that they expected staff to provide input in working to implement this policy, including consultation with legal counsel and tribes.

Just before the December 2013 Board meeting, VCNP staff notified the Board that there were a number of issues that had to be addressed prior to implementation of the proposed public access policy, including tribal consultation and appropriate resource review. The Board is continuing to work closely with tribal entities to ensure the cultural history, spiritual significance, and landscapes are preserved for generations to come. The open-access hiking program will be on hold until all of the concerns are properly addressed. The Board is committed to achieving the goals of the originating legislation that created the Valles Caldera National Preserve through the appropriate balance of all interests, one of which is increasing access for all, while working with appropriate entities and interests in a cooperative manner.

At the December Board meeting, Executive Director Dennis Trujillo (now retired) confirmed in a public statement that the VCNP's commitment to working with the public and tribes is important and, as the Valles Caldera moves forward on increasing public access, there will need to be a concise plan. That plan will be formed after obtaining input from the public and neighbors, including the Jemez Pueblo, so that the Valles Caldera can provide ample access while protecting and preserving the unique features that exist. Chairman Salazar confirmed that the Board will work with Jemez Pueblo on all of these issues.