

National Park Service  
U.S. Department of the Interior

National Trails Intermountain Region  
New Mexico



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**Long Walk National Historic Trail Feasibility Study  
New Mexico and Arizona  
Record of Decision**

Approved:

A handwritten signature in black ink, appearing to read "John Wessels", written over a horizontal line.

John Wessels  
Regional Director, Intermountain Region  
National Park Service

UNITED STATES DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE

RECORD OF DECISION

FEASIBILITY STUDY  
ENVIRONMENTAL IMPACT STATEMENT

Long Walk National Historic Trail

New Mexico and Arizona

The Department of the Interior, National Park Service has prepared this Record of Decision on the *Feasibility Study/Abbreviated Final Environmental Impact Statement* for the Long Walk National Historic Trail. This Record of Decision includes a description of the background of the project, a statement of the decision made, synopses of other alternatives considered, the basis for the decision, a description of the environmentally preferable alternative, and an overview of public and agency involvement in the decision-making process.

**BACKGROUND OF THE PROJECT**

The purpose of the feasibility study was to evaluate the suitability and feasibility of designating the routes known as the "Long Walk" of the Mescalero Apache and the Navajo people (1862-1868) as a national historic trail under the study provisions of the National Trails System Act (Public Law 90-543). The study provided necessary information for evaluating the national significance of the Long Walk, which refers to the U.S. Army's removal of the Mescalero Apache and Navajo people from their homelands to the Bosque Redondo Reservation in eastern New Mexico, and for potential designation of a national historic trail.

**DECISION (SELECTED ACTION)**

**Description of the Selected Action**

**Alternative A — No Action**

Under no action, there would be no federal designation of a national historic trail. Existing actions of agencies, organizations, and individuals relating to interpretation or protection of resources associated with the Long Walk would continue.

Without national historic trail designation, there would not be a single, overarching federal agency directed to help coordinate, interpret, and protect resources and segments of the trail. There would be no coordinated recognition or administration outside of New Mexico and Arizona.

National recognition of the events of the Long Walk would continue to occur in a piecemeal fashion. Existing preservation mechanisms would remain in place, but no new federal actions would be taken to protect other significant resources. Existing trends in development would continue, potentially compromising the integrity of the trail and its associated resources. State, county, and tribal laws for historic preservation and property rights would apply. County and tribal level planning would continue to balance preservation of historic and cultural resources with the realities of incremental development.

## **Key Points of the No Action Alternative**

- No designation of the Long Walk routes as a national historic trail
- Existing actions relating to interpretation or protection of resources associated with the Long Walk would continue
- No single, overarching federal agency directed to help coordinate, interpret, and protect resources and segments of the trail
- No coordinated recognition or administration outside of New Mexico and Arizona
- Existing preservation mechanisms would remain in place
- Existing trends in development would continue
- State, county, and tribal laws for historic preservation and property rights would apply
- County and tribal level planning would continue

## **OTHER ALTERNATIVES CONSIDERED**

Three other alternatives were considered in the feasibility study, which explored different methods of achieving the goals of this study's authorizing legislation (Public Law 107-214).

**Alternative B** – Congress would designate two national historic trails (dual designations) to emphasize the unique removal experiences of each tribe within the contextual history. An auto tour route would be established. Interpretation and education would emphasize the distinctive tribal and individual removal histories. The secretary of the interior would administer the trails through partnerships with private and federal landowners, state and local governments, and others on a strictly voluntary basis. Primary partners would be the Mescalero Apache Tribe and the Navajo Nation.

**Alternative C** – Congress would designate one national historic trail, emphasizing the removal experiences common to both tribes. An auto tour route would be established. Interpretation and education would emphasize overviews of the Long Walk events. The secretary of the interior would administer the trail through partnerships, primarily with the Mescalero Apache Tribe and Navajo Nation.

**Alternative D** – Congress would provide a grant program to the tribes focusing on interpretation and education projects and resource protection on tribal lands. All decisions about strategy, level of protection, etc., would be made by the tribes. A national historic trail would not be designated.

## **BASIS FOR DECISION**

A Preferred Alternative was not identified in the *Draft Long Walk National Historic Trail Feasibility Study/Environmental Impact Statement*, or in the *Abbreviated Final Environmental Impact Statement*. The National Park Service is identifying alternative A, the no action alternative, as the Preferred Alternative in this Record of Decision.

In the feasibility study, the National Park Service found that the Long Walk routes fully meet the criteria for national historic trails. The overall nature of public comments during the review period supported designation of a national historic trail. The National Park Service decision to support the no action

alternative as the selected action is based on the Navajo Nation Tribal Council's lack of support for designation, and on the lack of comment from the Mescalero Apache Tribe.

No comments were received from the Mescalero Apache Tribe on the *Draft Feasibility Study/Environmental Impact Statement* during the official review period, which began on April 17, 2009, and ended July 1, 2009. Subsequent efforts to obtain comments from the tribe were not successful.

Within the Navajo Nation, different perspectives were expressed about the Long Walk at four open houses, which were held in June 2009. Traditional stories of the Long Walk do not encourage tribal members to speak of the events or to return to Bosque Redondo lest harm be brought upon the Navajo people. Another perspective was that these events need to be revisited so that Navajo young people could learn about their history and commemorate their survival as a nation.

Written comments were received from Tony H. Joe, Jr, supervisory anthropologist with the Historic Preservation Department – Traditional Culture Program, Navajo Nation, on July 2, 2009. The department concluded that the proposed undertaking/project area would impact Navajo traditional cultural properties, and supported selection of Alternative A, no action. Additionally, "the determination made by the HPD-TCP does not necessarily mean that the Navajo Nation has no interest or concerns with the proposed project." Subsequent efforts to obtain review comments on the draft study from the Navajo Nation president or tribal council were not successful.

Previously, on January 27, 2006, the Navajo Nation Tribal Council failed to pass a resolution supporting alternatives to establish two national historic trails and the grant program. This action took place prior to the release of the *Draft Feasibility Study/Environmental Impact Statement* for tribal and public review.

On March 10, 2010, Mr. Joe, Jr., verbally confirmed in a telephone call to the superintendent, National Trails Intermountain Region, that the Navajo Nation tribal council would not be reconsidering their action from 2006, and stood by their determination to support alternative A, no action.

## **FINDINGS ON IMPAIRMENT OF PARK RESOURCES AND VALUES**

### **Impairment**

The feasibility study did not address impairment, since no National Park System unit resources or values were considered.

## **ENVIRONMENTALLY PREFERRED ALTERNATIVE**

The environmentally preferred alternative is determined by applying the criteria suggested in the National Environmental Policy Act of 1969 (NEPA), which is guided by the Council on Environmental Quality (CEQ). The CEQ provides direction that "the environmentally preferable alternative is the alternative that will promote the national environmental policy as expressed in NEPA's §101: (1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations; (2) assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings; (3) attain the widest range of beneficial uses of the environment without degradations, risk to health or safety, or other undesirable and unintended consequences; (4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity, and variety, of individual choice; (5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and (6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources."

Alternative A, the no action alternative, realizes that existing conditions along the length of the historic routes would continue. No national historic trail would be designated, and no federal lead agency would be designated to encourage preservation of Long Walk-related historic properties and natural areas along the study routes. This alternative, therefore, does not fully meet criteria 1, 3, 4, and 5.

Alternative C is the environmentally preferable alternative. Alternative C meets criteria 2, 5, and 6 to the extent of alternatives B and D. Alternative C meets criteria 1 and 4 by encouraging environmental and historical resource preservation along the trail corridor to the same extent as alternative B. Alternative C would more fully meet criterion 3 by allowing a more diverse range of visitor enjoyment without risk to public health or safety.

## **PUBLIC AND AGENCY INVOLVEMENT**

### **Scoping**

The notice of intent (NOI) to prepare this EIS was published in the *Federal Register* on July 11, 2003. The NOI indicated the availability of newsletter #1, from which comments were accepted until August 11, 2003. The first newsletter, dated summer 2003, announced the start of the feasibility study process, described the Long Walk events, and identified preliminary planning issues. A second newsletter, dated autumn 2004, explained the preliminary range of alternatives.

### **Public Meetings and Outreach**

In addition to the newsletters, 32 public scoping meetings were held in cities and towns in New Mexico and Arizona, and on the Mescalero Apache and Navajo reservations from September 2003 to February 2004. Two significance conferences were held at Window Rock, Arizona, and Mescalero, New Mexico, in November and December 2004, to gather input on the significance of the events of the Long Walk from a native point of view. An additional seven open houses were held in cities and towns in New Mexico and Arizona, and on the Mescalero Apache and Navajo reservations in May and June 2009, to brief the general public and the tribes on the draft study.

### **Public Review and Comment**

A notice of availability of the *Draft Feasibility Study/Environmental Impact Statement* was published in the *Federal Register* (Environmental Protection Agency notice) on April 17, 2009. The official review and comment period began on April 17, 2009, and ended July 1, 2009.

About 25 written and electronic comments were received. The public did not present any new alternatives, and public comments analysis did not result in any modifications to the proposed alternatives. Letters from tribal, federal, state, and local governments were received. One was from the Historic Preservation Department, Navajo Nation; one from the Pueblo of Isleta; four from federal and state agencies (U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, New Mexico State Monuments, and New Mexico State Historic Preservation Office); and one from the Village of Fort Sumner. These entities identified support for a specific alternative, supported national historic trail designation generally, or had no comment.

### **Agency and American Indian Consultation and Coordination**

The NPS consulted with the U.S. Fish and Wildlife Service to ensure that any action authorized, funded, or carried out as a result of the feasibility study would not jeopardize the continued existence of listed species or critical habitat. The New Mexico and Arizona state historic preservation offices were advised and consulted during the study process.

The NPS study team and tribal members briefed the National Park System Advisory Board's Landmarks Committee regarding the determination of significance of the Long Walk events and routes on October 24, 2005. The committee concurred with the study team's finding of national significance. On January

13, 2006, the Advisory Board also concurred that the routes and events of the Long Walk, and the effects on the Navajo and Mescalero Apache people, are of national significance.

In keeping with its mandates for tribal consultation, NPS consulted with the Navajo Nation and the Mescalero Apache tribe throughout the planning process. Designated tribal members served as advisors to the NPS planning team.

Tribal interests and concerns were fully considered in the planning process and in the development of alternatives in the feasibility study.

### **CONCLUSION**

Implementation of Alternative A – no action would not involve a federal action, as a national historic trail would not be designated. There would be no major adverse impacts to resources along the Long Walk routes resulting from trail designation. After a review of these effects, the alternative selected for implementation will not violate the NPS Organic Act. Impairment was not addressed, since National Park System unit resources or values were not considered.