

APPENDICES

APPENDIX 1 – STUDIES COMPLETED, UNDERWAY, NEEDED

Cultural Resources

Studies Completed

Archeological Overview and Assessment (1999)
 Barn Collection Inventory, Initial Assessment and Treatment (1998)
 Cultural Landscape Report - Part I (CLR) (2000)
 Historic Resource Study (HRS) (2000)
 Interim Scope of Collections Statement (2000)
 Legislative History Report (1999)

Studies Underway

Condition Assessment Report of Historic Structures (due date: 2000)
 Cultural Landscape Inventory (CLI)
 Cultural Landscape Report - Part II (CLR)
 Ethnobotany Report (due date: 2000)
 List of Classified Structures (LCS)

Studies Needed

Applies to Preferred Alternative and Alternative B, C, D, and E unless otherwise noted.

TITLE	ONE-TIME COSTS	RECURRING/ANNUAL COSTS
Archeological Survey		\$ 350,000 over 5 years
Archeological Evaluation Study	\$ 150,000	over 3 years
Cultural Sites Inventory	\$ 15,000	
Comprehensive Ethnobotany Study	\$ 50,000	(if multi-park)
Ethnographic Oral and Life Histories	\$ 50,000	
Ethnographic Overview and Assessment	\$ 75,000	
Ethnohistory	\$ 50,000	
HABS-Standard Documentation of Structures and Sites		\$ 153,000 (can be completed over a number of fiscal years)
Historic Furnishing Report	\$ 50,000	
Historic Sites Survey	\$ 60,000	
Historic Structures Report-Ranch Headquarters		\$ 250,000
Preserve Administrative History	\$ 50,000	
Collections Management		
Collection Management Plan	\$ 10,000	
Collection Storage Plan	\$ 6,500	
Condition Conditions Survey	\$ 20,000	
Fire Protection Survey	\$ 11,000	
Program Development		\$ 10,000
Relative Humidity and Temperature	\$ 5,000	

Security Surveys \$ 11,000

Routine care and management of the collections would be accomplished by cultural resources positions that are included in the estimated personnel costs (Appendix 5), and by Regional personnel.

Natural Resources

Studies Needed

Applies to Preferred Alternative and Alternatives B, C, D, and E unless otherwise stated.

Title	One-Time Costs	Recurring Annual Costs
Baseline Data		
Insects	\$ 40,000	
Bird Species springs/seeps	\$ 7,000	
Small Mammals, burned and unburned areas	\$ 50,000	
TOTAL \$	97,000	
Distribution and Habitat		
Assessment of Topeka Shiner	\$ 17,000	
Effects of Grazing and Fire on Grassland Birds	\$ 60,000	
Effects of Management Practices on Herpetofauna	\$ 64,000	
Exotic and Noxious Weed Assessment	\$ 58,000	
Fire History and Chronology of Gallery Forest and Riparian Area	\$ 30,000	
Invertebrate Bioindicators of Prairie Integrity	\$ 55,000	
Select Small Mammal Survey	\$ 49,000	
Springs and Seeps Inventory	\$ 50,000	
Stock Ponds and Related Watersheds Survey	\$ 35,000	
Vegetation Trends	\$ 15,000	

Day to day resource management activities and responsibilities would be carried out by the natural resource management/protection positions identified in the estimated personnel costs (Appendix 5) and by Regional personnel.

Studies Underway

Aquatic Sampling (Ongoing)

Studies Completed

Avian Inventory (2000)

Fixed Point Repeat Photography (1997-1999)

Riparian Communities Comparative Summary (1999)

Prairie Community (Vegetation) Summary (1999)

APPENDIX 2 – PLANS COMPLETED, UNDERWAY, NEEDED

General

Comprehensive Interpretation Plan (Needed)

The Comprehensive Interpretation Plan forms the overall vision and basis for decision-making relating to interpretation in a park. It provides both a long-range and short-range view and deals with all media, including personal services. The Comprehensive Interpretation Plan is a collection of the various planning documents and databases developed for interpretation in a park and is the blueprint from which the park's interpretive future is built.

Integrated Pest Management (IPM) Plan (Needed)

The plan articulates the selection, integration and implementation of pest management methods based on predicted economic, ecological, and sociological consequences. IPM is a decision-making process that helps decide if a treatment is necessary and appropriate, where the treatment should be administered, when the treatment should be applied, and what strategies should be integrated for immediate and long-term results.

Financial Analysis (Completed)

The financial analysis is a requirement of the legislation establishing the preserve. It is to be completed as a part of the development of the GMP. The analysis would indicate how the management of the preserve might be fully supported by other than federally appropriated funds such as fees, private donations, and other forms of non-federal funding.

Resource Management Plan (Underway)

A Resource Management Plan (RMP) would be developed following the preparation and approval of the GMP. It would incorporate the management direction provided by the GMP. The plan would detail the status of the park's natural and cultural resource programs and would articulate and detail the need for research inventories, monitoring, and other programs, including sociological needs.

Visitor Experience and Resource Protection Plan (Needed)

The Visitor Experience and Resource Protection (VERP) program, which is used to address carrying capacity for NPS units, consists of four key elements: (1) a parkwide management zoning scheme (established through evaluation of the alternatives) that defines visitor experience and resource condition goals for each area of the park, (2) selection of indicators that can be monitored to ensure that the goals are being met, (3) a systematic monitoring program, and (4) standards for each indicator that is expected to warn when conditions merit management action. Research will identify meaningful indicators and standards that can be used to ensure provision of quality experiences while protecting park resources. The indicators and standards will be developed, and the public will have an opportunity to comment on them.

Cultural Resources

Archeological Data Recovery Plan (Needed)

If proposed park development will have an effect on archeological resources, *NPS Management Policies* require that "all reasonable measures to limit adverse effects will be taken, including recovery of data and salvage of materials, as appropriate." Such mitigation, usually stipulated during Section 106 compliance, provides for a data recovery project that involves data collection (excavation, documentation, and surface collection of artifacts), data analysis, report production, and preservation of recovered materials and associated records. Each mitigation project will be designed in consultation with the SHPO. It will recover the full range of significant archeological information that otherwise would be lost and will preserve *in situ* as much of the scientific research potential of the resource as is practicable.

Collection Condition Survey (Needed)

A Collection Condition Survey (CCS) is a planning tool rather than a specific plan. Conducted by a professional conservator, it reports the condition of all or part of a museum collection. It creates a baseline reference for future assessment of object deterioration and identifies objects in need of conservation treatment by degree of urgency.

Collection Management Plan (Needed)

A collection management plan (CMP) provides short-term and long-term guidance to park and archeological center staffs in the management and care of museum objects and archival and manuscript collections. Every park with a museum collection should have a CMP. Parks with small collections may require only a brief plan while parks with large, complex collections may require a more extensive plan. CMPs are prepared by teams of NPS curators or by contractors and are approved by the park superintendent.

Collection Storage Plan (Needed)

A collection storage plan (CSP) is a stand-alone document that guides collection storage at a park. A CSP may be prepared to solve one or more problems in an existing storage facility, to guide renovation of an existing space into a storage facility, or to guide design of a new storage facility. When appropriate, a recently prepared CSP may be included as part of a CMP, which always addresses museum collections storage needs. In some instances the museum collections storage chapter of a CMP may recommend the subsequent preparation of a detailed CSP, although a CMP's storage chapter is usually sufficient for park planning and development purposes. (For detailed guidance, see the *Museum Handbook*, Part I, Chapter 7.)

Cultural Landscape Report – Treatment (Needed)

A cultural landscape report (CLR) is the primary guide to treatment and use of a cultural landscape. Based on the historic context provided in a historic resource study, a CLR documents the characteristics, features, materials, and qualities that make a landscape eligible for the National Register. It analyzes the landscape's development and evolution, modifications, materials, construction techniques, geographical context, and use in all periods, including those deemed not significant. Based on the analysis, it evaluates the significance of individual landscape characteristics and features in the context of the landscape as a whole. Typically interdisciplinary in character, it includes documentation, analysis, and evaluation of historical, architectural, archeological, ethnographic, horticultural, landscape architectural, engineering, and ecological data as appropriate. It makes recommendations for treatment consistent with the landscape's significance, condition, and planned use.

Historic Furnishings Report and Plans (Needed)

A historic furnishings report (HFR) provides a history of a structure's use and documents the type and placement of furnishings to a period of interpretive significance. If a decision is made to furnish a historic structure, a detailed plan section lists each recommended item. The HFR provides guidance for the care and maintenance of furnishings that are exhibited in the structure, including specific instructions for the care of newly acquired objects. This information can be incorporated by the park in its preventive conservation program. The HFR also recommends appropriate levels of historic housekeeping for interpretation.

Historic Structure Report (Needed)

The historic structure report (HSR) is the primary guide to treatment and use of a historic structure and may also be used in managing a prehistoric structure. A separate HSR should be prepared for every major structure managed as a cultural resource. Groups of similar structures or ensembles of small, simple structures may be addressed in a single report. The restoration, reconstruction, or extensive rehabilitation of a structure is not undertaken without an approved HSR.

Natural Resources

Bison Management Plan (Needed)

Prior to the introduction of bison to the preserve, a bison management plan would be developed. The plan would address the development of facilities, fencing, and handling procedures; animal health monitoring and maintenance; herd management, including breeding and genetic diversity; disposal of surplus animals; visitor-animal interactions; safety; and pasture monitoring and management. The management actions developed in the bison management plan would be incorporated into the RMP.

Vegetation Management Plan (Needed)

Vegetation management plans, such as the Bottomland and Riparian Restoration Plan, are project statements or subsidiary action plans within the RMP. As such, they further detail the goals and objectives for vegetation established in the RMP. They describe the vegetation, set specific management policies and objectives, identify management techniques and research needs, and provide for long-term monitoring to identify and mitigate impacts on park ecosystems. They set the standards by which success can be measured. Overall, they provide for long-term program direction.

Fire Management Plan (Needed)

The plan would provide a framework for the NPS to cooperate with park neighbors and others to implement a heterogeneous fire regime. Such topics as program objectives; fuel management; burn frequency and prescriptions; natural prescribed fire; monitoring and researching fire effects; safety; and equipment use and personnel needs would be addressed. Recommended management actions developed in the fire management plan would be incorporated into the RMP.

Water Resource Management Plan (WRMP) (Needed)

The WRMP supports the NPS decision-making process related to the protection, conservation, use, and management of a park's water resources such as seeps, springs, fords, and streams. The WRMP structures and uses information about the park's hydrologic resources to assist management in evaluating alternatives concerning water resources issues. The WRMP is a dynamic document that is revised periodically. In general, the WRMP provides a blueprint for the resolution of park water resources issues over a three to five year period.

APPENDIX 3 – DEVELOPMENT AND TREATMENT COSTS

The following costs for development and treatment associated with the preferred alternative include new construction, restoration, and stabilization/repair of historic buildings. These figures are based primarily on Class C estimates. A Class "C" estimate is a conceptual cost estimate based on square foot costs of similar construction or identifiable unit costs of similar construction items. These estimates may be prepared without a fully defined scope of work. There are many considerations in preparing a Class "C" estimate, such as job location, material suppliers, labor availability and wage rates, season of construction, geographic areas and difficulty of terrain. In addition, it is important to understand the anticipated square footage and building type; site development including existing and proposed utilities; mechanical and electrical needs (e.g., will the structure be heated and/or cooled?); structural systems; and construction constraints or unusual site conditions.

Other costs are based on comparative costs for similar development at other parks in the Midwest Region. They are meant to provide a very general idea of costs, as the preferred alternative does not provide enough detail for specific treatment of historic structures and landscapes, infrastructure development, extent/design of roads or trails, utilities, or the design and use of a visitor center or maintenance facility. Subsequent action plans and studies, including the Bison Management Plan, RMP, HSR, and CLR Part I and II, will provide project priorities, specific direction, and treatments. The cost to the NPS for many actions could be less than shown, and depend upon actual design, contributions by the private sector and other federal and state agencies, and volunteer labor.

The costs for treatment of historic structures are based on "rehabilitation," as provided in Class C estimates. In the absence of determinations for specific treatment of each resource, rehabilitation costs are being used as a median cost between stabilization and restoration. Some historic structures, such as the Spring Hill ranch house, and the barn, would involve more complicated and expensive preservation plans than the more simple outbuildings such as pole sheds, the ranch house privy, or the scale house. Some historic resources may not receive any preservation treatment, based on the conclusion of the HSR, and the CLR.

Class C cost estimates are based on Fiscal Year 2000 costs and do not include costs for hazardous material survey and abatement; archeological survey, testing and monitoring; utility design, approval and tie into outside utility systems; architectural research and investigation; cultural landscape research and investigation; design services; overhead and profit; or interpretive planning, design, production and installation.

When calculating the gross construction costs the following percentages should be applied:

Design related	
PREDESIGN	5%
DESIGN	10%
SUPPLEMENTAL SERVICES	2%

Construction Related	
PROJECT SUPERVISION	8%
CONTINGENCIES	10%

Using the net construction totals, ADD 35% to calculate gross costs.

General Development Costs - Preferred Alternative

Action	Cost Estimates
Replace deteriorated and unsafe sewer systems	\$50,000
Install vault toilets for visitor use	\$34,000
Install water system to provide fire suppression and potable water for the public	\$1,334,000
Improve/harden stream crossings (Estimate 5 crossings, one lane, 12'x40'x6" thick)	\$140,000
Improve roadbed between development area and ranch headquarters area for shuttle service. (Estimate 5-mile stretch @ \$500,000 and three precast, 2-lane concrete bridges @ \$210,000)	\$710,000
Improve interior road surfaces for shuttle bus (Based on minimal development of 5 miles, one lane, @ \$65,000/mile for reconditioning existing roads)	\$325,000
Improve foot traffic trails around Ranch headquarters area and provide benches (Estimate 2.5 miles including trail to school, wood chip surface, 5 benches @ \$1000 each)	\$32,000
Low impact campground development (Estimate 3 units @\$1900/site)	\$6,000
Install livestock handling facility	\$300,000
Install "Bison Fence" (Estimate 8 miles of 7' tall, woven wire)	\$280,000
Reestablish historic orchards (10 acres @ \$10,000/acre)	\$100,000
Restore bottomland prairie	\$100,000
Stabilize and preserve unsafe stone retaining walls, fences, steps in the historic area	\$202,000
Replace roofs on historic ranch house and barn	\$45,000
Install intrusion/fire detection systems in historic house and barn	\$98,000
Improve electrical utilities to ranch headquarters area	\$60,000
Improve storage of historic objects and documents	\$35,000
Develop visitor center (Estimate 10,000 sf., capable of serving as primary contact center, auditorium, curatorial and storage space, admin offices, @ \$400/sf for construction plus furnishings)	\$7,200,000
Develop maintenance facility (Estimate 3,000 sf., capable of providing garage space for two vehicles, workshop, offices, storage space, @ \$225/sf.)	\$675,000
Storage/Shuttle Building (Estimate 3,000 sf @ \$125/sf)	\$375,000
Outdoor amphitheater	\$250,000
Water System for new buildings (Estimate 5,000 lf @ \$100/lf)	\$500,000
Sewer System for new buildings (Estimate 5,000 lf @ \$100/lf)	\$500,000
Electrical (underground) System for buildings	\$50,000
Parking 150 cars @ \$2,000/car and 10 buses @ \$10,000/bus	\$400,000
Entrance Road to visitor center/administration building complex	\$300,000
Equipment and supplies	\$100,000
Buses/shuttles (alternative fuel) (2 vans @ \$50,000/each; 3@\$100,000 /each for three small transit buses)	\$400,000
Automated National Catalogue System (ANCS) -- collection records	\$8,000
TOTAL	\$14,509,000

Historic Structure Rehabilitation – Preferred Alternative

(Final costs are dependent on recommendations in HRS, CLR, and Comprehensive Interpretive Plan)

Structure	Quantity	Unit Price	Total Estimates
Spring Hill Ranch House (S.H.R.) (including root cellar, tunnel and spring house)	2,050 sf	\$225/sf	\$461,000
S.H.R. privy	60 sf	\$50/sf	\$3,000
S.H.R. smoke house	60 sf	\$50/sf	\$3,000
S.H.R. cistern	225 sf	\$50/sf	\$11,000
S.H.R. "chicken house"	624 sf	\$50/sf	\$31,000
S.H.R. ice house	144 sf	\$70/sf	\$10,000
S.H.R. carriage house	600 sf	\$50/sf	\$30,000
S.H.R. scratch shed	654 sf	\$50/sf	\$33,000
S.H.R. connected sheds	1536 sf total	\$25/sf	\$38,000
S.H.R. Quonset Hut	1560 sf	\$25/sf	\$39,000
S.H.R. barn	6,600 sf, 3 stories	\$150/sf	\$990,000
S.H.R. silo	2642 sf	\$25/sf	\$66,000
S.H.R. stone corral walls	900' L.F., 2' wide, 5' high	\$5/cf	\$45,000
S.H.R. shed in corral	408 sf	\$25/sf	\$10,000
S.H.R. vet shed	585 sf	\$25/sf	\$15,000
S.H.R. scale house	56 sf	\$50/sf	\$3,000
Schoolhouse	720 sf	\$70/sf	\$50,000
Schoolhouse privy	20 sf	\$70/sf	\$1,000
Stone fences	10 miles	\$5/cf	\$2,640,000(**)
Field box cars (3)	350 sf each	\$5/sf	\$5,000
Fox Creek bridge	55' x 14'	LUMP SUM	\$250,000
Small stone bridge	50' x 8'	LUMP SUM	\$100,000
Lantry tile barn	1,928 sf	\$50/sf	\$96,000
Lantry poultry house	1,550 sf	\$50/sf	\$78,000
Lantry barn	2327 sf, two stories	\$150/sf	\$349,000
1952 spring box & trough	378 sf	\$50/sf	\$19,000
Red House Ruin	521 sf	LUMP SUM	\$25,000 (*)
Low water bridge	51' x 18'6"	LUMP SUM	\$60,000
Pole barn near Lantry	3,700 sf	\$2.50/sf	\$9,000
TOTAL			\$5,470,000

(*) Includes archeology + \$5,000 stabilization

(**) Assumes that some sections of stone fence may be rebuilt for enclosure use of pastures, and use as a firebreak.

Interpretation and Education – Preferred Alternative

Action	Unit Cost	Total Estimates
Publications Park Handbook (Harpers Ferry Center produced - NPS black band format)		\$ 60,000
Wayside Exhibits		\$175,000
Visitor Center Exhibits/Furnishings		
Information Desk area	800 sf @ \$100 sf	\$ 80,000
Exhibit area	2200 sf @ \$450 sf	\$990,000
Theatre	1000 sf @ \$150 sf	\$150,000
Bookstore	1200 sf @ 100 sf	\$120,000
TOTAL		\$1,340,000
Audiovisual Media		
Interpretive Video		\$100,000
Distance Learning Facility/Equipment		\$100,000
TOTAL		\$200,000
Historic Furnishings for Schoolhouse, Ranch House, Smoke House, Barn, Quonset Hut and Carriage Garage		\$245,000

General Development Costs – Alternative B

Action	Cost Estimates
Replace deteriorated and unsafe sewer systems	\$50,000
Install vault toilets for visitor use	\$34,000
Install water system to provide fire suppression and potable water for the public	\$1,334,000
Improve/harden stream crossings (Estimate 7 crossings, one lane, 12'x40'x6" thick)	\$196,000
Improve roadbed between development area and ranch headquarters area for shuttle service. (Estimate 5-mile stretch @ \$500,000 and three precast, 2-lane concrete bridges @ \$210,000)	\$710,000
Improve interior road surfaces for shuttle bus (Minimal development of 10 miles, one lane, @ \$65,000/mile for reconditioning existing roads)	\$650,000
Improve foot traffic trails around Ranch headquarters area and provide benches (Estimate 2.5 miles including trail to school, wood chip surface, 5 benches @ \$1000 each)	\$32,000
Low impact campground development in the natural area (Estimate 3 units @ \$1900/site)	\$6,000
Improved campground development in the development area (Estimate 5 standard, individual sites @ \$1600/site)	\$8,000
Install "Bison Fence" (Estimate 4 miles of woven wire)	\$140,000
Install Livestock Handling Facility	\$100,000
Restore bottomland prairie	\$100,000
Reestablish historic orchards (10 acres @ \$10,000/acre)	\$100,000
Stabilize and preserve unsafe stone retaining walls, fences, steps in the historic area	\$202,000
Replace roofs on historic ranch house and barn	\$45,000
Install intrusion/fire detection systems in historic house and barn	\$98,000
Improve electrical utilities to ranch headquarters area	\$60,000
Improve storage of historic objects and documents	\$35,000
Develop visitor center (Estimate 10,000 sf., capable of serving as primary contact center, auditorium, curatorial and storage space, admin offices)	\$7,200,000
Develop maintenance facility (Estimate 3,000 sf., capable of providing garage space for two vehicles, workshop, offices, storage space)	\$675,000
Storage/Shuttle Building (Estimate 3,000 sf @ \$125/sf)	\$375,000
Outdoor amphitheater	\$250,000
Water System for new buildings (Estimate 5,000 lf @ \$100/lf)	\$500,000
Sewer System for new buildings (Estimate 5,000 lf @ \$100/lf)	\$500,000
Electrical (underground) System for buildings	\$50,000
Parking 150 cars @ \$2,000/car and 10 buses @ \$10,000/bus	\$400,000
Entrance Road to visitor center/administration building complex	\$300,000
Buses/Shuttles (Estimate three, with two in constant operation, @ \$50,000 each for two van conversions; @ \$100,000 for three small transit buses)	\$400,000
Equipment and supplies	\$100,000
TOTAL	\$14,750,000

Historic Structure Rehabilitation/Restoration/Preservation - Alternative B

Structure	Quantity	Unit Price	Total Estimates
Spring Hill Ranch (S.H.R.) (including root cellar, tunnel and spring house)	2,050 sf	\$225/sf	\$462,000
S.H.R. privy	60 sf	\$50/sf	\$3,000
S.H.R. smoke house	60 sf	\$50/sf	\$3,000
S.H.R. cistern	225 sf	\$50/sf	\$12,000
S.H.R. "chicken house"	624 sf	\$50/sf	\$32,000
S.H.R. ice house	144 sf	\$70/sf	\$10,000
S.H.R. carriage house	600 sf	\$50/sf	\$30,000
S.H.R. scratch shed	654 sf	\$50/sf	\$33,000
S.H.R. connected sheds	1536 sf total	\$25/sf	\$39,000
S.H.R. Quonset Hut	1560 sf	\$25/sf	\$39,000
S.H.R. barn	6600 sf, 3 stories	\$150/sf	\$990,000
S.H.R. silo	2642 sf	\$25/sf	\$66,000
S.H.R. stone corral walls	900 lf, 2' wide, 5' high	\$5/cf	\$45,000
S.H.R. shed in corral	408 sf	\$25/sf	\$11,000
S.H.R. vet shed	585 sf	\$25/sf	\$15,000
S.H.R. scale house	56 sf	\$50/sf	\$3,000
Schoolhouse	720 sf	\$70/sf	\$51,000
Schoolhouse privy	20 sf	\$70/sf	\$2,000
stone fences	15 miles	\$5/cf	\$3,960,000(**)
Field box cars (3)	350 sf each	\$5/sf	\$6,000
Fox Creek bridge	55' x 14'	LUMP SUM	\$250,000
Small stone bridge	50' x 8'	LUMP SUM	\$100,000
Lantry tile barn	1,928 sf	\$50/sf	\$97,000
Lantry poultry house	1,550 sf	\$50/sf	\$78,000
Lantry barn	2327 sf, two stories	\$150/sf	\$349,000
1952 spring box & trough	378 sf	\$50/sf	\$19,000
Red House Ruin	521 sf	LUMP SUM	\$25,000
Low water bridge	51' x 18'6"	LUMP SUM	\$60,000
Pole barn near Lantry	3700 sf	\$2.50/sf	\$10,000
TOTAL			\$6,800,000

(*) Includes archeology + \$5,000 stabilization

(**) Assumes that some sections of stone fence may be rebuilt for enclosure use of pastures, and use as a firebreak.

General Development Costs - Alternative C

Action	Cost Estimates
Replace deteriorated and unsafe sewer systems	\$50,000
Install vault toilets for visitor use	\$34,000
Install water system to provide fire suppression and potable water for the public	\$1,334,000
Improve/harden stream crossings (Estimate 8 crossings, one lane, 12'x40'x6" thick)	\$224,000
Construct transit station?	
Improve roadbed between development area and ranch headquarters area for shuttle service. (Estimate 5-mile stretch @ \$500,000 and three precast, 2-lane concrete bridges @ \$210,000)	\$710,000
Improve interior road surfaces for shuttle bus (Minimal development of 5 miles, one lane, @ \$65,000/mile for reconditioning existing roads)	\$325,000
Improve foot traffic trails around Ranch headquarters area and provide benches (Estimate 2.5 miles including trail to school, hardened surfaces, 10 benches @ \$1000 each)	\$37,000
Wood chip surface trails (Estimate 5 miles)	\$6,000
Horse Trails (Estimate 10 miles)	\$270,000
Low impact campground development (Estimate 6 units @ \$1900/site)	\$12,000
Install "Bison Fence" (Estimate 8 miles of woven wire)	\$250,000
Install Livestock Handling Facility	\$280,000
Restore bottomland prairie	\$100,000
Stabilize and preserve unsafe stone retaining walls, fences, steps in the historic area	\$202,000
Replace roofs on historic ranch house and barn	\$45,000
Install intrusion/fire detection systems in historic house and barn	\$98,000
Improve electrical utilities to ranch headquarters area	\$60,000
Improve storage of historic objects and documents	\$35,000
Develop visitor center (Estimate 10,000 sf., capable of serving as primary contact center, auditorium, curatorial and storage space, admin offices)	\$7,200,000
Develop maintenance facility (Estimate 3,000 sf., capable of providing garage space for two vehicles, workshop, offices, storage space)	\$675,000
Storage/Shuttle Building (Estimating 3,000 sf @ \$125/sf)	\$375,000
Outdoor amphitheater	\$250,000
Water System for new buildings (Estimate 5,000 lf @ \$100/lf)	\$500,000
Sewer System for new buildings (Estimate 5,000 lf @ \$100/lf)	\$500,000
Electrical (underground) System for buildings	\$50,000
Parking 150 cars @ \$2,000/car and 10 buses @ \$10,000/bus	\$400,000
Entrance Road to visitor center/administration building complex	\$300,000
Buses/Shuttles (Estimate three, with two in constant operation, @ \$50,000 each for two van conversions; @ \$100,000 for three small transit buses)	\$400,000
Equipment and supplies	\$100,000
TOTAL	\$14,822,000

Historic Structure Rehabilitation/Restoration/Preservation - Alternative C

Structure	Quantity	Unit Price	Total Estimates
Spring Hill Ranch (S.H.R.) (including root cellar, tunnel and spring house)	2,050 sf	\$225/sf	\$462,000
S.H.R. privy	60 sf	\$50/sf	\$3,000
S.H.R. smoke house	60 sf	\$50/sf	\$3,000
S.H.R. cistern	225 sf	\$50/sf	\$12,000
S.H.R. "chicken house"	624 sf	\$50/sf	\$32,000
S.H.R. ice house	144 sf	\$70/sf	\$11,000
S.H.R. carriage house	600 sf	\$50/sf	\$30,000
S.H.R. scratch shed	654 sf	\$50/sf	\$33,000
S.H.R. connected sheds	1536 sf total	\$25/sf	\$39,000
S.H.R. barn	6600 sf, 3 stories	\$150/sf	\$990,000
S.H.R. silo	2642 sf	\$25/sf	\$66,000
S.H.R. stone corral walls	900 lf, 2' wide, 5' high	\$5/cf	\$45,000
Schoolhouse	720 sf	\$70/sf	\$51,000
Schoolhouse privy	20 sf	\$70/sf	\$2,000
stone fences	10 miles	\$5/cf	\$2,640,000(**)
Red House Ruin	521 sf	LUMP SUM	\$25,000
TOTAL			\$4,444,000

(*) Includes archeology + \$5,000 stabilization

(**) Assumes that some sections of stone fence may be rebuilt for enclosure use of pastures, and use as a firebreak.

General Development Costs - Alternative D

Action	Cost Estimates
Replace deteriorated and unsafe sewer systems	\$50,000
Install vault toilets for visitor use	\$34,000
Install water system to provide fire suppression and potable water for the public	\$1,334,000
Improve/harden stream crossings (Estimate 5 crossings, one lane, 12'x40'x6" thick)	\$140,000
Improve interior road surfaces for shuttle bus and wagon rides (Minimal development of 5 miles, one lane, @ \$65,000/mile for reconditioning existing roads)	\$325,000
Improve foot traffic trails around Ranch headquarters area and provide benches (Estimate 2.5 miles including trail to school, hardened surfaces, 5 benches @ \$1000 each)	\$32,000
Horse Trails (Estimate 10 miles)	\$270,000
Install "Bison Fence" (Estimate 20 miles of woven wire)	\$700,000
Install Livestock Handling Facility	\$250,000
Restore bottomland prairie	\$100,000
Stabilize and preserve unsafe stone retaining walls, fences, steps in the historic area	\$202,000
Replace roofs on historic ranch house and barn	\$45,000
Install intrusion/fire detection systems in historic house and barn	\$98,000
Improve electrical utilities to ranch headquarters area	\$60,000
Improve storage of historic objects and documents	\$35,000
Equipment and supplies	\$100,000
Buses/Shuttles (Estimate three, with two in constant operation, @ \$50,000 each for two van conversions; @ \$100,000 for three small transit buses)	\$400,000
Storage/Shuttle Building (Estimate 3,000 sf)	\$375,000
TOTAL	\$ 4,476,000

Historic Structure Rehabilitation/Restoration/Preservation - Alternative D

Structure	Quantity	Unit Price	Total Estimates
Spring Hill Ranch (S.H.R.) (including root cellar, tunnel and spring house)	2,050 sf	\$225/sf	\$462,000
S.H.R. privy	60 sf	\$50/sf	\$3,000
S.H.R. smoke house	60 sf	\$50/sf	\$3,000
S.H.R. cistern	225 sf	\$50/sf	\$12,000
S.H.R. "chicken house"	624 sf	\$50/sf	\$32,000
S.H.R. ice house	144 sf	\$70/sf	\$10,000
S.H.R. carriage house	600 sf	\$50/sf	\$30,000
S.H.R. scratch shed	654 sf	\$50/sf	\$33,000
S.H.R. barn	6600 sf, 3 stories	\$150/sf	\$990,000
S.H.R. stone corral walls	900 lf, 2' wide, 5' high	\$5/cf	\$45,000
Schoolhouse	720 sf	\$70/sf	\$51,000
stone fences	5 miles	\$5/cf	\$1,320,000(**)
Red House Ruin	521 sf	LUMP SUM	\$25,000
TOTAL			\$3,016,000

(*) Includes archeology + \$5,000 stabilization

(**) Assumes that some sections of stone fence may be rebuilt for enclosure use of pastures, and use as a firebreak.

General Development Costs - Alternative E

Action	Cost Estimates
Replace deteriorated and unsafe sewer systems	\$50,000
Install vault toilets for visitor use	\$34,000
Install water system to provide fire suppression and potable water for the public	\$1,334,000
Improve/harden stream crossings (Estimate 2 crossings, one lane, 12'x40'x6" thick)	\$ 56,000
Improve roadbed between development area and ranch headquarters area for shuttle service. (Estimate 5-mile stretch @ \$500,000 and three precast, 2-lane concrete bridges @ \$210,000)	\$710,000
Improve interior road surfaces for shuttle bus and wagon rides (Minimal development of 5 miles, one lane, @ \$65,000/mile for reconditioning existing roads)	\$325,000
Improve foot traffic trails around Ranch headquarters area and provide benches (Estimate 2.5 miles including trail to school, hardened surfaces, 5 benches @ \$1000 each)	\$32,000
Install "Bison Fence" (Estimate 30 miles of woven wire)	\$1,050,000
Install Livestock Handling Facility	\$250,000
Restore bottomland prairie	\$100,000
Develop visitor center (Estimate 10,000 sf., capable of serving as primary contact center, auditorium, curatorial and storage space, admin offices)	\$7,200,000
Develop maintenance facility (Estimate 3,000 sf., capable of providing garage space for two vehicles, workshop, offices, storage space)	\$675,000
Buses/Shuttles (Estimate three, with two in constant operation, @ \$50,000 each for two van conversions; @ \$100,000 for three small transit buses)	\$400,000
Storage/Shuttle Building (Estimate 3,000 sf)	\$375,000
Outdoor amphitheater	\$250,000
Water System for new buildings (Estimate 5,000 lf @ \$100/lf)	\$500,000
Sewer System for new buildings (Estimate 5,000 lf @ \$100/lf)	\$500,000
Electrical (underground) System for visitor buildings	\$50,000
Parking 150 cars @ \$2,000/car and 10 buses @ \$10,000/bus	\$400,000
Entrance Road to visitor center/administration building complex	\$300,000
Install intrusion/fire detection systems in historic house and barn	\$ 98,000
Improve electrical utilities to ranch headquarters area	\$ 60,000
Improve storage of historic objects and documents	\$ 35,000
Equipment and supplies	\$100,000
TOTAL	\$ 14,885,000

Historic Structure Rehabilitation/Restoration/Preservation - Alternative E

Structure	Quantity	Unit Price	Total Estimates
Spring Hill Ranch (S.H.R.) (including root cellar, tunnel and spring house)	2,050 sf	\$225/sf	\$462,000
S.H.R. privy	60 sf	\$50/sf	\$3,000
S.H.R. smoke house	60 sf	\$50/sf	\$3,000
S.H.R. cistern	225 sf	\$50/sf	\$12,000
S.H.R. "chicken house"	624 sf	\$50/sf	\$32,000
S.H.R. ice house	144 sf	\$70/sf	\$10,000
S.H.R. carriage house	600 sf	\$50/sf	\$30,000
S.H.R. barn	6,600 sf, 3 stories	\$150/sf	\$990,000
S.H.R. stone corral walls	900 lf, 2' wide, 5' high	\$5/cf	\$45,000
Schoolhouse	720 sf	\$70/sf	\$51,000
stone fences	5 miles	\$5/cf	\$1,320,000(**)
Red House Ruin	521 sf	LUMP SUM	\$25,000
TOTAL			\$2,983,000

(*) Includes archeology + \$5,000 stabilization

(**) Assumes that some sections of stone fence may be rebuilt for enclosure use of pastures, and use as a firebreak.

APPENDIX 4 – STAFFING FOR PARK OPERATIONS (ONPS FUNDS) FOR 5 YEARS

This GMP has an expected life of 10-15 years. The personnel costs and annual operating costs detailed below are based on Fiscal Year 2000 dollars and represent where the preserve may be at the end of the life of this GMP. The figures were developed by analyzing the anticipated workload in the preferred alternative and by looking at developed parks that have similar operations and workloads.

PERSONNEL

Division	Work years
Management and Administration	5
Maintenance	11
Resource Management/Protection	8
Interpretation/Visitor Services	<u>8</u>
	TOTAL 32

Requirements for 32 work years: \$1.6 million that includes all associated costs such as benefits, differentials and premium pay.

ANNUAL OPERATING COSTS

\$500,000 The figure includes annual reoccurring costs such as utilities, vehicle rental and materials and supplies

A major portion of these costs may come from federal appropriated funds. However, the Financial Analysis details approaches that may be adopted to cover portions of these costs through other strategies such as fees, donations and grants.

APPENDIX 5 - APPLICABLE LAWS, EXECUTIVE ORDERS, ETC.

The following is a partial list of laws, executive orders and presidential directives applicable to the areas administered by the NPS. They apply to those areas in the preserve that will be owned by the federal government, up to 180 acres, and can, through an agreement with the property owner, apply to other areas of the preserve.

The list is meant to inform and guide people, organizations, and other local, state, and federal agency decision-makers. It has been included in the GMP in response to questions regarding the NPS's long-range management of the preserve.

American Indian Religious Freedom Act of 1978

(PL 95-341; 92 Stat 469)

The act declared "the policy of the United States to protect and preserve for American Indians their inherent right of freedom to believe, express and exercise the traditional religious of the American Indian, Eskimo, Aleut, and Native Hawaiians, including, but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonial and traditional rites."

Americans with Disabilities Act

The Americans with Disabilities Act (ADA) gives civil rights protections to individuals with disabilities that are like those provided to individuals on the basis of race, sex, national origin, and religion. It guarantees equal opportunity for individuals with disabilities in employment, public accommodations, transportation, State and local government services, and telecommunications.

Antiquities Act of 1906

(PL Chapter 3060, 34 Stat 225, 16 USC 431-433)

This act authorizes the President to declare national monuments to protect sites and objects; authorizes federal departments to grant permits for survey and excavation and for gathering of "objects of antiquity" and to enforce protection of archeological sites and objects under their jurisdiction; and requires that materials excavated be permanently preserved in public museums.

Archaeological Resources Protection Act of 1979

(PL 96-95, 93 Stat 721, 16 USC 470aa-ll)

This was enacted to prevent the illegal excavation and possession of archeological resources located on federal, other public, and Indian lands. In passing this act the Congress recognized that the only comparable statutory law, the 1906 Antiquities Act, was inadequate in terms of defining archeological resources and establishing appropriate penalty provisions. The act called for regulations to be promulgated jointly by the Secretaries of Interior, Agriculture, Defense, and the Chairman of the Board of the Tennessee Valley Authority.

Bald and Golden Eagles Protection Act

(PL Chapter 28, 54 Stat 250, 16 USC 668 et seq., as amended)

This statute prohibits taking, possession, and trade in bald and golden eagles. The act provides federal protection for bald and golden eagles; provides for civil or criminal penalties for violations and a reward for informers; authorizes cancellation of grazing, leases, licenses, permits, or other agreements for violations; and provides for the possession and transport of golden eagles for falconry, under certain conditions.

Clean Air Act

(PL Chapter 360, 69 Stat 322, 42 USC 7401 et seq.)

The main purpose of this act is to protect and enhance the nation's air quality to promote the public health and welfare. The act establishes specific programs that provide special protection for air resources and air quality related values (AQRVs) associated with NPS units. For example, sections 160-169 of the act establish a program to prevent significant deterioration (PSD) of air quality in clean air regions of the country. The purposes of the PSD program include the following: to protect resources that might be sensitive to pollutant concentrations lower than the established national standards and "to preserve, protect and enhance the air quality in national parks, national monuments, national seashores, and other areas of special national or regional natural, recreational, scenic or historic value." In section 169A of the act, Congress also established a national goal of remedying any existing and preventing any future human-made visibility impairment in mandatory class I areas.

Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA or Superfund)

(PL 96-510, 94 Stat 2767, 42 USC 9601 et seq.)

This was enacted to regulate the cleanup of hazardous or toxic contaminants at closed or abandoned sites. A fund available to states was established for cleanup of these abandoned sites. Superfund monies come from taxes levied on designated chemical feedstocks. The government can recover cost of the cleanup and associated damages by suing the responsible parties. The act was reauthorized in 1986 under the Superfund Amendment Reauthorization Act (SARA). Section 120 of SARA specifies that CERCLA is applicable to federal facilities.

Controlled Substance Act

(PL 91-513, 84 Stat 1242, 21 USC 812)

This act establishes five schedules for controlled substances and places them into the appropriate schedule based on findings. The act defines controlled substances; establishes five "schedules," or list of controlled substances, based upon the potential for abuse and use for accepted medical treatments; and specific substances to specific schedules. Substances listed as controlled are subject to federal regulatory control of their legal use.

Emergency Planning and Community Right-to-Know Act

(PL 99-499 Title III of SARA Sec. 300-330, 100 Stat 1725, 42 USC 1101)

This act set up procedures for (1) emergency planning, (2) emergency notification, (3) community right-to-know reporting on chemicals, and (4) emissions inventory. All federal agencies, including the DOI/NPS, are exempt from EPCRA. Nonetheless, DOI strongly encourages voluntary compliance with all portions of the law. EPCRA is designed to protect communities from hazardous chemicals by making sure that advance planning occurs for potential emergencies.

Endangered Species Act of 1973

(PL 93-205, 87 Stat 884, 7 USC 136, as amended)

This act requires federal agencies to ensure that their activities (authorized, funded, or carried out) will not jeopardize the existence of any endangered or threatened species or result in the destruction or adverse modification of critical habitat of such species.

Farmland Protection Policy Act

(PL 97-98 Title XV, Sec. 1540, Stat 1341)

The purpose of the Act is to minimize the extent to which Federal programs contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses, and to assure that Federal programs are administered in a manner that will be compatible with state, local government and private programs and policies protecting farmland.

Federal Insecticide, Fungicide, and Rodenticide Act of 1976

(PL 92-516, 86 Stat 973, 7 USC 136 et seq.)

This act requires that all pesticides be registered, and that pesticides be used in accordance with the registration. The act restricts the use of certain pesticides. Some pesticides are regulated as toxic pollutants under the Clean Water Act and the Safe Drinking Water Act.

Federal Land Policy and Management Act

(PL 99-198, 99 Stat 1354, 43 USC 1732)

This act constitutes the organic legislation for the Bureau of Land Management (BLM). The act requires that BLM consider the resource management programs of other federal agencies on adjacent lands in conducting their resource planning. The act also contains a land exchange authority under which the Secretary may exchange federal lands or interests in lands outside NPS units for nonfederal lands or interest within NPS units. This method of exchange can be used to eliminate mineral interests in NPS units.

Federal Tort Claims Act

(PL chapter 753 Title IV, 60 Stat 842, 28 USC 1346b, 2671-80)

This act provides the basis for the NPS to be held liable for failure or negligence with respect to visitor protection. Most interpretations of tort law make the landowner responsible for taking reasonable care to avert harm to visitors.

Federal Water Pollution Control Act (Clean Water Act of 1972)

(PL 92-500, PL 100-433, 86 Stat 816, USC 9 sec. 1251 et seq., as amended, 33 USC sec. 1251-1356, and 1987 Federal Water Quality Act)

This act firmly establishes federal regulation of the nation's waters, and contains provisions designed to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." The act requires that the states set and enforce water quality standards to meet Environmental Protection Agency (EPA) minimum guidelines. It establishes effluent limitations for point sources of pollution, requires a permit for point source discharge of pollutants (through the National Pollution Discharge Elimination System), a permit for discharge of dredged or fill material, and authorizes a "National Wetlands Inventory." Recent changes brought about by the 1987 Federal Water Quality Act places greater emphasis on toxicological-based criteria and in-site biological monitoring.

Federal Water Power Act of 1920

(PL Chapter 285, 41 Stat 1063, 16 USC 823a, as amended, 16 USC 797, 41 Stat 1353)

The 1921 amendments to the Federal Water Power Act prescribed that what is now the Federal Energy Regulatory Commission (FERC) could not grant authorization, permit, lease, or license for any facilities (dams, reservoirs, power houses, etc.) for the development, storage, and transmission of water and/or power within a national park without specific authority from Congress. Exceptions are where a park's enabling legislation or other statute specifically provides for such activities, as in those parks established in conjunction with reclamation projects (Lake Mead, Glen Canyon, etc.)

Fish and Wildlife Coordination Act

(PL 85-624, 72 Stat 563, 16 USC 661 et seq.)

This act requires federal agencies to consult with the U.S. Fish and Wildlife Service, or National Marine Fisheries Service, and with parallel state agencies, whenever water resource development plans result in alteration of a body of water. The Secretary of the Interior is authorized to assist and cooperate with federal agencies to "provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs."

Flood Disaster Protection Act of 1973

(PL 93-234, 87 Stat 975, 12 USC 24, 1709-1)

This act substantially increased the coverage limits of the national flood insurance program. It also required state and local communities, as a condition of future federal assistance, to participate in the program and to adopt adequate flood plain ordinances and enforcement mechanisms. Property owners acquiring or improving land or facilities in identified flood hazard areas, and who are being assisted by federal programs (including by federally regulated or insured institution) are required to purchase flood insurance.

Food Security Act of 1985

(PL 99-198, 99 Stat 1354, 7 USC 1281)

Commonly known as the "Swampbuster Act," this legislation restricts a number of federal benefits to farmers who, after December 23, 1985, produce agricultural commodities on certain "converted wetland." Knowledge of the

provisions of this law is useful for management of agricultural special use permits and in protecting park resources from impacts associated with agriculture on inholdings and adjacent lands.

Forest and Rangeland Renewable Resources Planning Act

(PL 95-307, 92 Stat 353, 16 USC 1600 et seq.)

This act established the land and resource management planning system for the U.S. Forest Service and also expressed Congressional insistence on inventory and monitoring of natural resources on all public lands in the U.S.

General Authorities Act of 1970

(PL 91-383 sec 1, 84 Stat 825, 16 USC 1a et seq.)

This act affirmed that all national park areas, including historic sites, recreation areas, etc., while acknowledged to be “distinct in character,” were “united through their inter-related purposes and resources into one national park system as cumulative expressions of a single national heritage.” The purpose of this act was “to include all such areas in the system and to clarify the authorities applicable to the system.” The act made it clear that the NPS Organic Act and other protective mandates applied equally to all units of the system. Further amendments stated that NPS management of park units should not be conducted “in derogation of the purposes and values for which these various areas have been established.

General Authorities Act of 1976

(PL 94-458, 90 Stat 1939)

This act allowed the Secretary of the Interior “to withhold from disclosure to the public, information relating to the location of sites or objects listed on the National Register whenever he determines that the disclosure of specific information would create a risk of destruction or harm to such sites or objects.

Historic Sites, Buildings and Antiquities Act of 1935

(PL Chapter 593, 49 Stat 666, 16 USC 461 et seq.)

This act established a national policy to preserve for public use historic sites, buildings, and objects of significance for the inspiration and benefit of the people of the United States. The act also directed the Secretary of the Interior to carry out wide-ranging programs in the field of history and placed with the Secretary responsibility for national leadership in the field of historic preservation. Another provision established the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments (since renamed the National Park System Advisory Board). The act was the basis for the National Historic and Natural Landmarks Programs and the Historic American Building Survey.

Lacey Act

(PL Chapter 553, 37 Stat 187, 18 USC 42,44, as amended)

This act was one of the first wildlife laws, passed in 1900 to outlaw interstate traffic in birds and other animals illegally killed in their state of origin. The Lacey Act was amended several times and its coverage expanded to include wildlife taken in violation of foreign law as well as state law. The Lacey Act Amendments of 1981 provide more effective enforcement of state, federal, Indian tribal, and foreign conservation laws protecting fish, wildlife, and rare plants. The act gives authority, in addition to CFR regulations, to park superintendents and the U.S. Attorney to prosecute criminal or civil violations involving the taking of wildlife, fish, and rare plants in park units.

Land and Water Conservation Fund Act of 1965

(PL 88-578, 78 Stat 897, 16 USC 460d et seq.)

This act established the Land and Water Conservation Fund for planning and purchase of outdoor recreation areas and facilities. Appropriations from the fund may be made by the Congress for allocation to (1) the states, on a matching basis, for planning, acquisition of land and water areas and for construction of outdoor recreation facilities; and (2) the federal agencies, including the National Park Service, for use in acquiring lands needed for outdoor recreation. Legislation in 1987 extended the Fund through 2015.

Migratory Bird Conservation Act

(PL Chapter 257, 45 Stat 1222, 16 USC 715 et seq.)

The purpose of this act is to aid in the restoration of scarce or near extinct species and to regulate the introduction of American or foreign birds or other animals.

Migratory Bird Treaty Act of 1918

(PL 186, 40 Stat 755)

This act prohibits taking, possession, and trade of migratory birds, except as permitted by regulations released by the Secretary of Agriculture. The act provides search, arrest, and seizure authority to authorized USDA employees; provides for civil and criminal penalties for violation; allows states to impose more restrictive measures to protect migratory birds; and allows for taking for scientific and propagating purposes.

Mineral Leasing Act for Acquired Lands of 1947

(PL Chapter 681, 61 Stat 681, 30 USC 351 et seq.)

This act authorized the disposal of leasable minerals (including, among others, coal, oil, and gas) from federal lands that were acquired by the U.S., i.e., lands that were nonfederal prior to U.S. obtaining title.

Mineral Leasing Act of 1920

(30 USC 181 et seq., as amended)

These laws provide authority for disposal of leasable minerals on “public domain” federal lands. Both this act and the Mineral Leasing Act for Acquired Lands prohibit leasing of federally owned minerals in units of the National Park System except where specifically authorized by law.

Mineral Materials Disposal Act of 1947

(30 USC 601 et seq.)

This act prohibits the sale of “salable” or “common variety” minerals in units of the National Park System. Examples include petrified wood, sand, stone, gravel, pumice, pumicite, cinders, limestone, and clay.

Mining in the National Parks Act of 1976

(PL 94-429, 90 Stat 1342, 16 USC 1901 et seq.)

This act closed all units of the National Park System to the location of new mining claims. The act directs the Secretary to determine the validity of unpatented mining claims and to make recommendations regarding claim acquisition, and reinforces the Secretary’s authority to acquire and regulate patented and unpatented mining claims in park units.

Mining Law of 1872

(30 USC 21 et seq.)

This law allows citizens to enter open public lands and stake a claim to lands which contain a valuable mineral. Minerals subject to claim location are referred to as “locatable” or “hardrock” minerals and include gold, silver, copper, lead, zinc, cinnabar, tin, talc, salt, feldspar, antimony, bismuth, molybdenum, uranium, and various gemstones. Such minerals are made available to parties for development through the issuance of unpatented and patented mining claims.

Museum Properties Management Act of 1955

(PL Chapter 259, 69 Stat 242, 16 USC 18f)

This act authorizes the Secretary of the Interior through the National Park Service to preserve and maintain objects of national historical and archeological significance and to establish and maintain museums in connection with this activity.

National Environmental Policy Act of 1969 (NEPA)

(PL 91-190, 42 USC 4321 et seq., 83 Stat 852, 42 USC 4332, as amended)

NEPA is the basic national charter for environmental protection. It contains an “action-forcing” provision to ensure that federal agencies act according to the letter and spirit of the law. Among its provisions, this act declares that is the policy of the federal government to “preserve important historic, cultural, and natural aspects of our national heritage.” It directs that all practicable means should be used to improve federal functions so that the nation may “...attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences...” Title I of NEPA requires that federal agencies plan and carry out their activities...” so as to protect and enhance the quality of the environment. Such activities shall include those directed to controlling pollution and enhancing the environment.” To enact this policy, NEPA requires an interdisciplinary study of the impacts associated with federal programs.

National Flood Insurance Act of 1968

(PL 90-448 Title XIII, 82 Stat 572, 42 USC 4001 et seq., as amended)

This act established a national flood insurance program, encouraged state and local governments to institute planning and land use programs to help reduce damage in flood risk areas, and assured that federal actions, including licensing and permitting, would be coordinated with these efforts.

Native American Graves Protection and Repatriation Act of 1990

(PL 101-601, 104 Stat 3049)

This act assigns ownership or control of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony that are excavated or discovered on federal lands or tribal lands after passage of the act to lineal descendants or affiliated Indian tribes or Native Hawaiian organizations; establishes criminal penalties for trafficking in human remains or cultural objects; requires federal agencies and museums that receive federal funding to inventory Native American human remains and associated funerary objects in their possession or control and identify their cultural and geographical affiliations within five years, and prepare summaries of information about Native American unassociated funerary objects, sacred objects, or objects of cultural patrimony. This is to provide for repatriation of such items when lineal descendants, Indian tribes, or Native Hawaiian organizations request it.

National Historic Preservation Act of 1966

(PL 89-665, 80 Stat 915; as amended by PL 91-243, PL 93-54, PL 94-422, PL 94-458, PL 96-199, PL 96-244, PL 96-515, PL 98-483, PL 99-514, PL 100-127, and PL 102-575)

The law established a national policy of historic preservation, including the encouragement of preservation on the state and private levels; authorized the Secretary of the Interior to expand and maintain a National Register of Historic Places including properties of state and local as well as national significance; authorized matching federal grants to the states and the National Trust for Historic Preservation for surveys and planning and for acquiring and developing National Register properties; established the Advisory Council on Historic Preservation; required federal agencies to consider the effects of their undertakings on National Register properties and provide the Advisory Council opportunities to comment (Section 106). Amended in 1976 (PL 94-422) to expand Section 106 to properties eligible for as well as listed on the National Register. Amended in 1980 (PL 96-515) to incorporate E.O. 11593 requirements (see below), to give national historic landmarks extra protection in federal project planning, and to permit federal agencies to lease historic properties and apply the proceeds to any National Register properties under their administration. Amended in 1992 and in 1999 to, among other things, redefine federal undertakings, address “anticipatory demolition,” and emphasize the interests and involvement of Native Americans and Native Hawaiians.

National Park Service Organic Act of 1916

(PL Chapter 408, 39 Stat 535 et seq., 16 USC 1)

Through this act, Congress established the National Park Service and mandated that it “shall promote and regulate the use of the federal areas known as national parks, monuments, and reservations...by such means and measures as conform to the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.” The Organic Act authorizes the Secretary to promulgate rules and regulations necessary for management of the parks. This authority, among others, provides the basis for the regulations in 36 CFR 1.

Occupational Safety and Health Act of 1970

(PL 91-596, 84 Stat 1590, 5 USC 5108)

This act established national safety and health standards for worker environments, including standards for occupational exposure limits to toxic and/or hazardous agents. The act created the Occupational Safety and Health Administration (OSHA). OSHA is responsible for training requirements for employees working with hazardous material spills and for hazard communication rulings. Rulings set requirements for (1) the development of material safety data sheets (MSDS) by manufacturers and importers, (2) the acquisition of MSDS by product users, and (3) training of employees who work with hazardous materials.

Preservation of Historical and Archeological Data Act of 1974

(PL 93-291, 74 Stat 220, 16 USC 469)

This act amended the Reservoir Salvage Act of 1960, and provides for preservation of significant scientific, prehistoric, or archeological data (including relics and specimens) that might be lost or destroyed as a result of (1) the construction of dams, reservoirs, and attendant facilities, or (2) any alteration of the terrain caused as a result of any federal construction project or federally licensed project, activity, or program.

Public Buildings Cooperative Use Act of 1976

(PL 94-541, 90 Stat 2505)

This act required the General Services Administration to acquire space for federal agencies in buildings of architectural or cultural significance where feasible. It also amended the Architectural Barriers Act of August 12, 1968, relating to the accessibility of certain buildings to the physically handicapped.

Redwood National Park Act

(PL 95-250, 92 Stat 163, as amended, 1978)

This act amended NPS authorities legislation to direct that within the National Park System, “authorization of activities shall be construed and the protection, management, administration...shall be conducted in light of the high public value and integrity of the National Park System and shall not be exercised in derogation of the values and purposes for which these various areas have been established...” With this additional amendment to NPS law, the NPS is mandated to afford the highest standard of protection and care to park resources; no decision can compromise these resource values, except where specifically authorized by law.

Resource Conservation and Recovery Act (RCRA)

(PL Chapter 425, 30 Stat 1148, 42 USC 6901)

This act governs the generation, transportation, treatment, storage, and disposal of current and future actively produced hazardous waste, solid waste, and underground storage tanks. Federal agencies are subject to federal, state, and local requirements. The act authorizes a comprehensive program that regulates hazardous waste from generation to ultimate disposal (cradle to grave). Subtitle D of RCRA (Solid Waste) is regulated through state programs. Regulations for hazardous waste management are in the Federal Register starting at 40 CFR 260. They are immediately preceded by certain solid waste regulations.

Safe Drinking Water Act

(PL 93-523, 88 Stat 1660, 42 USC 300f et seq.)

This act directs EPA to publish and enforce regulations on maximum allowable contaminant levels in drinking water. The act requires EPA to issue regulations establishing national primary drinking water standards; primary enforcement responsibilities lie with the states. The act also protects underground sources of drinking water; primary enforcement responsibilities again lie with the states. Federal agencies having jurisdiction over public water systems must comply with all requirements to the same extent as any nongovernmental entity.

Surface Resources Use Act of 1955

(30 USC 601 et seq.)

This act prohibits persons from using the surface of unpatented claims for anything but mining. This act provides that claimants of patented mining claims may use the surface of the claim only for purposes related to mineral activity. Claimants may occupy and use resources on the claim only for prospecting and mining. Claimants also may not sell the surface resources (timber, sand, gravel, etc.) from an unpatented claim.

Transportation Act of 1996

(PL 89-670, 80 Stat 931)

This act stated in Sec 4(f) that the secretary of transportation “shall not approve any program or project which requires the use of any land from a public park, recreation area,...or historic site unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreational area, . . . or historic site resulting from such use.”

Toxic Substances Control Act

(PL 94-469, 90 Stat 2003, 15 USC 2601 et seq.)

This act regulates existing and new chemical substances and primarily applies to manufactures, distributors, processors, and importers of chemicals. There are requirements for stock inventory, pre-manufacture notification, testing reporting, and record keeping. Polychlorinated biphenyls (PCBs) are regulated under this legislation. PCBs

whose concentration is greater than 50ppm are regulated. Equipment containing regulated PCB must be properly labeled, inspected, and surveyed.

Water Resources Planning Act and Water Resource Council's Principles and Standards Act of 1965

(PL 89-80, 42 USC 1962 et seq., 44 FR 723977, Principles and Standards)

This act states a national policy “to encourage the conservation, development, and utilization of water and related land resources on a comprehensive and coordinated basis by the federal government, states, localities, and private enterprises...” Water Resources Council (WRC) principles and standards for planning water and related land resource uses are revised to achieve national economic development and environmental quality objectives.

Watershed Protection and Flood Prevention Act

(PL 92-419, 16 USC 1001, 68 Stat 666, as amended, 86 Stat 667)

This act authorizes the Secretary of the Interior to cooperate with state and local governments, including soil and water conservation districts and flood control districts, in planning and analyzing trends in flood protection and watershed conservation activities and facilities.

EXECUTIVE ORDERS

Federal Compliance with Pollution Control Standards

(E.O. 12088)

This order established procedures and responsibilities to ensure that all necessary actions are taken to prevent, control, and abate environmental pollution with respect to federal facilities and activities.

Floodplain Management of 1977

(E.O. 11988, 42 FR 26951, 3 CFR 121 (Supp 177))

The objective of this order is to avoid, to the extent possible, long- and short-term adverse impacts associated with the occupancy and modifications of floodplains, and to avoid direct and indirect support of floodplain development whenever there is a practicable alternative.

Indian Sacred Sites

(E.O. 13007, 61 FR 26771)

This order instructs all federal land management agencies, to the extent practicable, permitted by law, and not clearly inconsistent with essential agency functions, to accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and to avoid adversely affecting the physical integrity of such sacred sites.

Invasive Species

(E.O. 13112)

The objective of this order is to prevent the introduction of invasive species, to provide for their control, and to minimize the economic, ecological, and human health impacts that invasive species cause. Invasive species is defined to mean a species not native to an ecosystem whose introduction does or is likely to cause economic or environmental harm or harm to human health.

Protection and Enhancement of the Cultural Environment

(E.O. 11593, 36 FR 8921)

This order instructed all federal agencies to support the preservation of cultural properties; directed them to identify and nominate to the National Register cultural properties under their jurisdiction and to “exercise caution . . . to

assure that any federally owned property that might qualify for nomination is not inadvertently transferred, sold, demolished, or substantially altered.”

Protection and Enhancement of Environmental Quality

(E.O. 11514, as amended, 1970, E.O. 11991, 35 FR 4247; 1977, 42 FR 26967)

This order declares that “the Federal Government shall provide leadership in protecting and enhancing the quality of the Nation’s environment to sustain and enrich human life. Federal agencies shall initiate measures needed to direct their policies, plans and programs so as to meet environmental goals.”

Protection of Wetlands

(E.O. 11990, 1977 42 FR 26961, 3 CFR 121 (Supp 177), 42 USC 4321)

This executive order furthers the purposes of the National Environmental Policy Act by directing federal agencies to “...avoid to the extent possible the long and short term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative....” The directive applies both to “major federal actions significantly affecting the quality of the human environment” and to all other actions.

**APPENDIX 6 – U.S. FISH AND WILDLIFE SERVICE
CORRESPONDENCE**

APPENDIX 7 – DEFINITIONS

Adaptive use - A use for a structure or landscape other than its historic use, normally entailing some modification of the structure or landscape.

Agricultural landscape - Land used for both farming and ranching, and the associated buildings, structures, landscape elements, and vegetation and livestock that comprise the scene.

Aquatic areas - Areas associated with water.

Aquatic ecosystems - Stream channels, lakes, springs, or wetlands; and the water resources, biotic communities, and habitat features that occur there.

Archeological resource - Any material remains or physical evidence of past human life or activities which are of archeological interest, including the record of the effects of human activities on the environment. They are capable of revealing scientific or humanistic information through archeological research.

Biological diversity - The variety of life and the processes that govern life. There are four types of biological diversity: genetic, species, community/ecosystem, and process.

Bottomlands - Those areas bordering natural waterways.

Ecosystem - A system of living organisms that interact with the environment and each other.

Carrying capacity - The type and level of visitor use that can be accommodated while sustaining the desired resource and social conditions that complement the purposes of the park units and their management objectives.

Character-defining feature - A prominent or distinctive aspect, quality, or characteristic of a historic property that contributes significantly to its physical character. Structures, objects, vegetation, spatial relationships, views, furnishings, decorative details, and materials may be such features.

Community Outreach Programs - All staffed interpretation programs other than curriculum-based education programs that are offered outside the park. Examples include interpretive talks, historical demonstrations, staffing an exhibit at a local festival, etc. Audiences can be groups or informal gatherings. Examples of audiences might include community clubs, church groups, elder hostel, scouts, or children camps.

Cool season grasses – Grass species that grow in the spring and fall and tend to become dormant when the native tallgrass prairie grasses flourish. Brome grass and fescue are non-native cool season grasses most often found in the Flint Hills region and planted to complement native warm season pastures. (Definition courtesy of Kansas Livestock Association.)

Cultural landscape - A geographic area, including both cultural and natural resources, and the wildlife or domestic animals therein, associated with a historic event, activity, or person.

Cultural landscape resources - The components of a landscape that, taken together, provide a scene evocative of a specific culture.

Cultural practice - A pattern of behavior associated with a particular way of life.

Cultural resource - An aspect of a cultural system that is valued by or significantly representative of a culture, or that contains significant information about a culture. A cultural resource may be a tangible thing, or a cultural practice. This includes archeological resources, cultural landscapes, historic buildings and structures, museum objects and archival materials, and ethnographic resources.

Early intensive grazing – A grazing scheme that increases the stocking rate of the season-long grazing system while decreasing the length of the grazing season. Typically, this grazing system will double the number of yearling cattle per acre and reduce the grazing season by one half the number of days. “Contemporary grazing regimes” and “intensive early stocking” are terms also used to describe such a grazing option. (Definition courtesy of Kansas Livestock Association.)

Education Programs - Comprehensive curriculum-based programs conducted on or off-site, for all ages, which are created cooperatively with educators. This includes all curriculum-based programs that usually include pre-visit, on-site visit and post-visit activities.

Ethnographic resource - A site, structure, object, landscape, or natural resource feature assigned traditional legendary, religious, subsistence, or other significance in the cultural system of a group traditionally associated with it.

Ethnography - Within the National Park Service, a field of study concerned with the peoples associated with parks, including their cultural systems or ways of life, related technology, structures and other material features, and natural resources.

Ethnohistory - Part of the discipline of anthropology concerned with the systematic and comparative analysis of cultures.

Eutrophication – A term to describe the situation where a body of water experiences such an increase in minerals and organic nutrients that the dissolved oxygen in the water is reduced, producing an environment that favors plant life rather than animal life.

Exotic species - A species occurring in a given place as a result of direct, indirect, deliberate, or accidental actions by humans.

Extirpated - The complete removal of a species from all or part of its natural range.

Feature (historic) - A prominent or distinctive aspect, quality, or characteristic of a historic property or landscape; a historic property.

Feedlots - Permanent places where animals are confined and fed prior to transportation to slaughterhouses.

Floodplain - Lowland and relatively flat areas adjoining inland and coastal waters including flood prone areas of offshore islands, and, at a minimum, areas subject to a one percent or greater chance of flooding in any given year.

Genetically Pure - Animal species that have no genetic material from other species. In the case of this general management plan, genetically pure bison refers to bison that would not contain cattle genes.

Groundwater - Water in the part of the ground that is wholly saturated

Heterogeneous disturbance regimes - Activities such as fire and grazing applied in different arrangements that vary over time.

Historic fabric - The physical elements that were combined or deposited to form a property. Historic material or historic fabric is that from a historically significant period, as opposed to material used to maintain or restore a property following its historic period(s).

Historic vernacular landscape - A landscape whose use, construction, or physical layout reflects local traditions, customs, beliefs, or values. The physical features and materials--including the interrelationships and patterns of spatial organization; land use, circulation patterns, vegetation, structures and objects--reflect the customs and everyday lives of people.

Integrity - The authenticity of a property’s historic identity, evidenced by the survival of physical characteristics that existed during its historic period.

Interpretation - An educational activity which aims to reveal meanings and relationships through the use of original objects, by firsthand experience, and by illustrative media, rather than simply to communicate factual information.

Invasive - Aggressive, rapidly spreading species that causes impacts to healthy systems. Often, though not always, these are exotics/aliens/non-native/non-indigenous species.

Junior Ranger Program - Junior Ranger activities include those where interpretation staff have some visitor contact or interaction with visitors; involve the use of materials such as questionnaires or activity booklets; and offer rewards upon completion.

Landscape - A group of ecosystems and the interrelationships that connect them in a fairly large geographical area.

Loan Materials - Unaccompanied interpretive materials sent out of the park on loan. Loan materials encompass such things as films, videos, skins, skulls, replicas, and traveling trunks.

Native species - A species that occurs and evolves naturally at a given location without human intervention or manipulation.

Park Web Site - The web site located on the National Park Service's Park Net site on the World Wide Web or Internet that contains information about the park.

Period of Significance - For National Register of Historic Places or National Historic Landmark designations, the length of time for which a property was associated with important events, activities, persons, or attained the characteristics which qualify it for listing.

Plant community - A group of plants growing in an interrelated manner on a particular site.

Preservation - The act or process of applying measures to maintain the existing form, integrity, and material of a historic structure, landscape, or object.

Reconstruction - The process of depicting, by new construction, the form, features, and detailing of non-surviving historic structures. This would be for the purpose of replicating its appearance at a specific time and in its historic location.

Rehabilitation - The process of making possible a compatible use for a historic structure or landscape through repair, alterations, and additions, while preserving the features which convey its historical, cultural, or architectural values.

Restoration (of natural resources) - A process that replaces existing vegetation on a site with desired vegetation that existed there before.

Restoration (of cultural resources) - The process or act of accurately depicting the form, features, and character of a historic structure, landscape, or object as it appeared at a particular period of time. This process might include removal of features from other periods of history and reconstruction of features of the restoration period that are missing.

Resource - Something of value to be preserved, protected, and enhanced, such as significant historical, recreational, scenic, cultural, natural, economic, and scientific resources

Resource management - The art or manner of treating, directing, or handling resources

Riparian - Pertaining to or on the banks of rivers and streams

Significant resources (historic) - The area's important resources as evaluated according to specific criteria as provided in National Register of Historic Places guidelines. These include scenic vistas; habitat for endangered, threatened, and rare species; exceptional biological diversity; scientifically important fossil deposits; historic and prehistoric cultural resources; and visitor use and access areas.

Season-long grazing – This term usually refers to the grazing of yearling beef cattle during the principal growing months of native tallgrass pastures. A full grazing season typically includes a five- to six-month period from April 15 to November 1. The terms “historic grazing regime” and “May-to-October steer grazing operation” are synonymous. (Definition courtesy of Kansas Livestock Association.)

Stabilization – An action to mitigate wear and deterioration of a historic property without altering its historic character. This could include protection of its current condition, repair with the least degree of intervention when its condition warrants it, or limited in-kind replacement when deterioration of materials makes repair impossible. For archeological sites it includes work to moderate, prevent, or arrest erosion.

Sustainability - The concept that recognizes long-term conservation of natural resources and the roles the Tallgrass Prairie National Preserve plays in portraying a ranching story and addressing visitor experiences. The Tallgrass Prairie National Preserve plays a role in representing the nation's most threatened resources. Sustainability relates to the ability of the prairie ecosystem components to maintain and express themselves with management schemes in place. This term also refers to the economic feasibility of the management alternatives to cover or defray a portion of the operating expenses of the preserve.

Tame grass - The term is usually applied to grasses that have been cultivated, often for hay. Examples are fescue, timothy grass, and orchard grass.

Traditional Cultural Property - A property associated with cultural practices or beliefs of a living community that are rooted in that community’s history, or are important in maintaining its cultural identity.

Undertaking - As referred to in Section 106 of the National Historic Preservation Act, any federal, federally assisted, federally licensed, or federally sanctioned project, activity or program that can result in changes in the character or use of historic properties.

Ungulates - Hoofed mammals.

Year-long cow-calf grazing operations – A ranching activity that raises breeding beef cows and weans offspring (calves) from the cowherd as a source of revenue. Such operations may graze cows and calves on native pastures on a continual basis or maintain cows and their offspring on cool season pastures, fields or dry lots when native grasses are dormant. (Definition courtesy of Kansas Livestock Association.)

APPENDIX 8 – LEGISLATION

110 STAT. 4204

PUBLIC LAW 104-333—NOV. 12, 1996

TITLE X—MISCELLANEOUS

Subtitle A--Tallgrass Prairie National Preserve
16 USC 698u.

SEC.1001. SHORT TITLE. This subtitle may be cited as the “Tallgrass Prairie National Preserve Act of 1996”

16 USC 698u. SEC. 1002. FINDINGS AND PURPOSES.

(a) Findings.--Congress finds that—

- (1) of the 400,000 square miles of tallgrass prairie that once covered the North American Continent, less than 1 percent remains, primarily in the Flint Hills of Kansas;
- (2) in 1991, the National Park Service conducted a special resource study of the Spring Hill Ranch, located in the Flint Hills of Kansas;
- (3) the study concludes that the Spring Hill Ranch—
 - (A) is a nationally significant example of the once vast tallgrass ecosystem, and includes buildings listed on the National Register of Historic Places pursuant to section 101 of the National Historic Preservation Act (16 U.S.C. 470a) that represent outstanding examples of Second Empire and other 19th Century architectural styles; and
 - (B) is suitable and feasible as a potential addition to the National Park System; and
- (4) the National Park Trust, which owns the Spring Hill Ranch, has agreed to permit the National Park Service—
 - (A) to purchase a portion of the ranch, as specified in the subtitle; and
 - (B) to manage the ranch in order to—
 - (i) conserve the scenery, natural and historic objects, and wildlife of the ranch; and
 - (ii) provide for the enjoyment of the ranch in such a manner and by such means as will leave the scenery,[[Page 110 STAT. 4205]] natural and historic objects, and wildlife unimpaired for the enjoyment of future generations.

(b) PURPOSES.--The purposes of this subtitle are—

- (1) to preserve, protect, and interpret for the public an example of a tallgrass prairie ecosystem on the Spring Hill Ranch, located in the Flint Hills of Kansas; and
- (2) to preserve and interpret for the public the historic and cultural values represented on the Spring Hill Ranch.

16 USC 698u-1. SEC. 1003. DEFINITIONS.

In this subtitle:

- (1) **ADVISORY COMMITTEE.**--The term "Advisory Committee" means the Advisory Committee established under section 1007.
- (2) **PRESERVE.**--The term "Preserve" means the Tallgrass Prairie National Preserve established by section 1004.
- (3) **SECRETARY.**--The term "Secretary" means the Secretary of the Interior.
- (4) **TRUST.**--The term "Trust" means the National Park Trust, Inc., a District of Columbia nonprofit corporation, or any successor-in-interest.

16 USC 698u-2. SEC. 1004. ESTABLISHMENT OF TALLGRASS PRAIRIE NATIONAL PRESERVE.

- (a) **IN GENERAL.**--In order to provide for the preservation, restoration, and interpretation of the Spring Hill Ranch area of the Flint Hills of Kansas, for the benefit and enjoyment of present and future generations, there is established the Tallgrass Prairie National Preserve.
- (b) **DESCRIPTION.**--The Preserve shall consist of the lands and interests in land, including approximately 10,894 acres, generally depicted on the map entitled "Boundary Map, Flint Hills Prairie National Monument" numbered NM-TGP 80,000 and dated June 1994, more particularly described in the deed filed at 8:22 a.m. of June 3, 1994, with the Office of the Register of Deeds in Chase County, Kansas, and recorded in Book L-106 at pages 328 through 339, inclusive. In the case of any difference between the map and the legal description, the legal description shall govern, except that if, as a result of a survey, the Secretary determines that there is a discrepancy with respect to the boundary of the Preserve that may be corrected by making minor changes to the map, the Secretary shall make changes to the map as appropriate, and the boundaries of the Preserve shall be adjusted accordingly. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service of the Department of the Interior.

16 USC 698u-3. SEC. 1005. ADMINISTRATION OF NATIONAL PRESERVE.

- (a) **IN GENERAL.**--The Secretary shall administer the Preserve in accordance with this subtitle, the cooperative agreements described in subsection (f)(1), and the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1, 2 through 4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).
- (b) **APPLICATION OF REGULATIONS.**--With the consent of a private owner of land within the boundaries of the Preserve, the regulations issued by the Secretary concerning the National Park Service that provide for the proper use, management, and protection of persons, property, and natural and cultural resources shall apply to the private land.
- (c) **FACILITIES.**--For purposes of carrying out the duties of the Secretary under this subtitle relating to the Preserve, the Secretary may, with the consent of a landowner, directly or by contract, construct, reconstruct, rehabilitate, or develop essential buildings, structures, and related facilities including roads, trails, and other interpretive facilities on real property that is not owned by the Federal Government and is located within the Preserve.
- (d) **LIABILITY.**—

- (1) **LIABILITY OF THE UNITED STATES AND ITS OFFICERS AND EMPLOYEES.**--Except as otherwise provided in this subsection, the liability of the United States is subject to the terms and conditions of the Federal Tort Claims Act, as amended, 28 U.S.C. 2671 et seq., with respect to the claims arising by virtue of the Secretary's administration of the Preserve pursuant to this Act.
- (2) **LIABILITY OF LANDOWNERS.**—
 - (A) The Secretary of the Interior is authorized, under such terms and conditions as he deems appropriate, to include in any cooperative agreement entered into in accordance with subsection (f)(1) an indemnification provision by which the United States agrees to hold harmless, defend and indemnify the landowner in full from and against any suit, claim, demand or action, liability, judgment, cost or other fee arising out of any claim of personal injury or property damage that occurs in connection with the operation of the Preserve under the agreement: Provided however, That indemnification shall not exceed \$3 million per claimant per occurrence.
 - (B) The indemnification provision authorized by subparagraph (A) shall not include claims for personal injury or property damage proximately caused by the wanton or willful misconduct of the landowner.
- (e) **UNIT OF THE NATIONAL PARK SYSTEM.**--The Preserve shall be a unit of the National Park System for all purposes, including the purpose of exercising authority to charge entrance and admission fees under section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a).
- (f) **AGREEMENT AND DONATIONS.**—
 - (1) **AGREEMENTS.**--The Secretary may expend Federal funds for the cooperative management of private property within the Preserve for research, resource management (including pest control and noxious weed control, fire protection, and the restoration of buildings), and visitor protection and use.
 - (2) **DONATIONS.**--The Secretary may accept, retain, and expend donations of funds, property (other than real property), or services from individuals, foundations, corporations, or public entities for the purposes of providing programs, services, facilities, or technical assistance that further the purposes of this subtitle.
- (g) **GENERAL MANAGEMENT PLAN.**—
 - (1) **IN GENERAL.**--Not later than the end of the third full fiscal year beginning after the date of enactment of this Act, the Secretary shall prepare and submit to the Committee on Energy and Natural Resources of the Senate and the Committee[[Page 110 STAT. 4207]] on Resources of the House of Representatives a general management plan for the Preserve.
 - (2) **CONSULTATION.**--In preparing the general management plan, the Secretary, acting through the Director of the National Park Service, shall consult with—
 - (A) (i) appropriate officials of the Trust; and
 - (ii) the Advisory Committee; and
 - (C) adjacent landowners, appropriate officials of nearby communities, the Kansas Department of Wildlife and Parks, the Kansas Historical Society, and other interested parties.
 - (3) **CONTENT OF PLAN.**--The general management plan shall provide for the following:

- (A) Maintaining and enhancing the tall grass prairie within the boundaries of the Preserve.
 - (B) Public access and enjoyment of the property that is consistent with the conservation and proper management of the historical, cultural, and natural resources of the ranch.
 - (C) Interpretive and educational programs covering the natural history of the prairie, the cultural history of Native Americans, and the legacy of ranching in the Flint Hills region.
 - (D) Provisions requiring the application of applicable State law concerning the maintenance of adequate fences within the boundaries of the Preserve. In any case in which an activity of the National Park Service requires fences that exceed the legal fence standard otherwise applicable to the Preserve, the National Park Service shall pay the additional cost of constructing and maintaining the fences to meet the applicable requirements for that activity.
 - (E) Provisions requiring the Secretary to comply with applicable State noxious weed, pesticide, and animal health laws.
 - (F) Provisions requiring compliance with applicable State water laws and Federal and State waste disposal laws (including regulations) and any other applicable law.
 - (G) Provisions requiring the Secretary to honor each valid existing oil and gas lease for lands within the boundaries of the Preserve (as described in section 1004(b)) that is in effect on the date of enactment of this Act.
 - (H) Provisions requiring the Secretary to offer to enter into an agreement with each individual who, as of the date of enactment of this Act, holds rights for cattle grazing within the boundaries of the Preserve (as described in section 1004(b)).
- (4) HUNTING AND FISHING.--The Secretary may allow hunting and fishing on Federal lands within the Preserve.
- (5) FINANCIAL ANALYSIS.--As part of the development of the general management plan, the Secretary shall prepare a financial analysis indicating how the management of the Preserve may be fully supported through fees, private donations, and other forms of non-Federal funding.

16 USC 698u-4. SEC. 1006. LIMITED AUTHORITY TO ACQUIRE.

- (a) IN GENERAL.--The Secretary shall acquire, by donation, not more than 180 acres of real property within the boundaries of the Preserve (as described in section 1004(b)) and the improvements on the real property.
- (b) PAYMENTS IN LIEU OF TAXES.--For the purposes of payments made under chapter 69 of title 31, United States Code, the real property described in subsection (a)(1) shall be deemed to have been acquired for the purposes specified in section 6904(a) of that title.
- (c) PROHIBITIONS.--No property may be acquired under this section without the consent of the owner of the property. The United States may not acquire fee ownership of any lands within the Preserve other than lands described in this section.

16 USC 698u-5 SEC. 1007. ADVISORY COMMITTEE.

- (a) ESTABLISHMENT.--There is established an advisory committee to be known as the "Tallgrass Prairie National Preserve Advisory Committee".
- (b) DUTIES.--The Advisory Committee shall advise the Secretary and the Director of the National Park Service concerning the development, management, and interpretation of the Preserve. In carrying out those duties, the Advisory Committee shall provide timely advice to the Secretary and the Director during the preparation of the general management plan under section 1005(g).
- (c) MEMBERSHIP.--The Advisory Committee shall consist of 13 members, who shall be appointed by the Secretary as follows:
 - (1) Three members shall be representatives of the Trust.
 - (2) Three members shall be representatives of local landowners, cattle ranchers, or other agricultural interests.
 - (3) Three members shall be representatives of conservation or historic preservation interests.
 - (4) (A) One member shall be selected from a list of persons recommended by the Chase County Commission in the State of Kansas.
(B) One member shall be selected from a list of persons recommended by appropriate officials of Strong City, Kansas, and Cottonwood Falls, Kansas.
(D) One member shall be selected from a list of persons recommended by the Governor of the State of Kansas.
 - (5) One member shall be a range management specialist representing institutions of higher education (as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))) in the State of Kansas.
- (d) TERMS.—
 - (1) IN GENERAL.--Each member of the Advisory Committee shall be appointed to serve for a term of 3 years, except that the initial members shall be appointed as follows:
 - (A) Four members shall be appointed, one each from paragraphs (1), (2), (3), and (4) of subsection (c), to serve for a term of 3 years.
 - (B) Four members shall be appointed, one each from paragraphs (1), (2), (3), and (4) of subsection (c), to serve for a term of 4 years.
 - (C) Five members shall be appointed, one each from paragraphs (1) through (5) of subsection (c), to serve for a term of 5 years. [[Page 110 STAT. 4209]]
 - (2) REAPPOINTMENT.--Each member may be reappointed to serve a subsequent term.
 - (3) EXPIRATION.--Each member shall continue to serve after the expiration of the term of the member until a successor is appointed.
 - (4) VACANCIES.--A vacancy on the Advisory Committee shall be filled in the same manner as an original appointment is made. The member appointed to fill the vacancy shall serve until the expiration of the term in which the vacancy occurred.
- (e) CHAIRPERSON.--The members of the Advisory Committee shall select 1 of the members to serve as Chairperson.
- (f) MEETINGS.--Meetings of the Advisory Committee shall be held at the call of the Chairperson or the majority of the Advisory Committee. Meetings shall be held at such locations and in such a manner as to ensure adequate opportunity for public involvement. In compliance with the requirements of the Federal Advisory Committee Act (5 U.S.C. App.), the Advisory Committee shall choose an appropriate

means of providing interested members of the public advance notice of scheduled meetings.

- (g) QUORUM.--A majority of the members of the Advisory Committee shall constitute a quorum.
- (h) COMPENSATION.--Each member of the Advisory Committee shall serve without compensation, except that while engaged in official business of the Advisory Committee, the member shall be entitled to travel expenses, including per diem in lieu of subsistence in the same manner as persons employed intermittently in Government service under section 5703 of title 5, United States Code. (i) Charter.-- The rechartering provisions of section 14(b) of the Federal Advisory Committee Act (15 U.S.C. App.) shall not apply to the Advisory Committee.

16 USC 698u-6. SEC. 1008. RESTRICTION ON AUTHORITY.

Nothing in this subtitle shall give the Secretary authority to regulate lands outside the land area acquired by the Secretary under section 1006(a).

16 USC 698u-7. SEC. 1009. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of the Interior such sums as are necessary to carry out this subtitle.

APPENDIX 9 – ENHANCEMENT AND SUSTAINABILITY PANELS

Enhancement Panel and Support

Dr. Walter K. Dodds

Associate Professor, Division of Biology, Kansas State University., Prairie aquatic habitats.

Dr. David C. Hartnett

Professor of Biology, Kansas State University and Director, Konza Prairie Research Natural Area Ecology of Tallgrass Prairie.

Dr. Ron Hiebert

Associate Regional Director, Natural Resource Stewardship and Science, Midwest Region, National Park Service. Workshop facilitator and technical editor.

Dr. Anthony Joern

Professor, School of Biological Sciences, University of Nebraska, Lincoln. Insect populations and community ecology, insect/plan interactions and grassland ecology.

Dr. Kelly Kindscher

Assistant Scientist, Kansas Biological Survey, University of Kansas and Courtesy Assistant Professor, Environmental Studies Program, University of Kansas.

Dr. James Stubbendieck

Professor of Agronomy (Rangeland Ecology), University of Nebraska and Director, Center for Great Plains Studies. Ecology of rangeland plant communities.

Dr. John S. Zimmerman

Professor, Kansas State University (Retired). Avian population and community ecology.

Sustainable Management Panel and Support

Dr. Tom Bragg
Professor, Department of Biology, University of Nebraska-Omaha.

Dr. Steve Hamilton
Assistant Professor, Department of Agriculture Economics, Kansas State University.

Mike Holder
Chase County Extension Agent - Facilitator.

Dr. Jim Hoy
Emporia State University - Rapporteur.

Paul Labovitz
Rivers, Trails and Conservation Assistance, Midwest Region, National Park Service - Recorder.

Dr. David Lime
Senior Research Associate, Department of Forest Resources, University of Minnesota-St. Paul.

Jill Medland
Natural Resources, Midwest Support Office, National Park Service - Transcriber.

Tom Moxley
Owner/Manager, Moxley Ranch.

Dr. James Shortridge
Professor, Cultural Geography, University of Kansas.

Dr. Jim Stubbendieck
Director, Center for Great Plains Studies; Professor, University of Nebraska at Lincoln; Continuity with Enhancement Panel

Keith Yearout
Owner/Manager, Rock Hill Ranch, farming and bison operation; President, Kansas Bison Association.

APPENDIX 10 - ADVISORY COMMITTEE

(Current advisory committee appointed in 1997 by Secretary of the Interior Bruce Babbitt)

John Bock, Elmdale, Kansas (3-year term), the Chase County Commission

William Browning, Madison, Kansas (5-year term), local landowners, cattle ranchers, or other agricultural interests

Don Castleberry, Little Rock, Arkansas (5-year term), National Park Trust

Paul Duffendack, Leawood, Kansas (4-year term), National Park Trust

Lee Fowler, Cottonwood Falls, Kansas (3-year term), Governor's representative (Chair)

David Glenn-Lewin, Wichita, Kansas (5-year term), range management specialist representing higher education institutions

Sharon Hahn, Council Grove, Kansas (4-year term), conservation or historic preservation interests

Jeanne Hatcher, Strong City, Kansas (3-year term), local landowners, cattle ranchers, or other agricultural interests

Bill Haw, Kansas City, Missouri (4-year term), local landowners, cattle ranchers or other agricultural interests

Ron Klataske, Manhattan, Kansas (5-year term), conservation or historic preservation interests

Barry Linnens, Cedar Point, Kansas (4-year term), Strong City and Cottonwood Falls (Vice-Chair)

Ron Parks, Council Grove, Kansas (3-year term), conservation or historic preservation interests

Paul Pritchard, Washington, D.C. (3-year term), National Park Trust

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LIST OF PREPARERS

Gregg Bruff

Education – B.S., Wildlife Conservation & Management, Southwest Missouri State University.

Experience – Twenty-five years with National Park Service in field in interpretation; currently serving as Chief of Interpretation and Cultural Resources at Pictured Rocks National Lakeshore, MI.

Plan Responsibility – Development of interpretation and visitor services elements of the GMP/EIS.

Peter Budde

Education – M.A. Geography, University of Nebraska-Lincoln; B.S. Geography, Carroll College.

Experience – Thirteen years of experience applying geoinformation processing tools to a variety of applications including weather forecasting, natural resources management, public land management and planning. Extensive background in data base development, training and technology transfer. Six years experience with the National Park Service. Currently serving as Midwest Region GIS Coordinator.

Plan Responsibility – Consultant in area of GIS.

Keith Butler

Experience – Twenty-eight years experience with the NPS in Facility Management, park maintenance, and park operations. Currently Chief of Maintenance at Theodore Roosevelt National Park. Also has worked at Prince William Forest Park, Grand Teton National Park, Grand Canyon National Park and Death Valley National Park.

Plan Responsibility – Consultant in areas of development, maintenance, and preservation.

Steve Cinnamon

Education – M.S. Biology, Northern Arizona State University; B.S., Wildlife and Range Science, New Mexico State University.

Experience – Twenty-seven years with National Park Service in field in natural/cultural resource management, interpretation, and visitor services. Currently serving as Acting Chief of Natural Resources, Midwest Region.

Plan Responsibility – consultant for natural resource issues, organizer and editor for Sustainable Management Panel Report.

Michael J. Evans

Education – Ph.D., Anthropology, University of Florida.

Experience – Twenty-five years experience in cultural resources management nationally and internationally. Five years in Cultural Resources Division, Midwest Regional Office, National Park Service.

Plan Responsibility – Consultant for ethnography; American Indian tribal consultation.

Abby Sue Fisher

Education – Ph.D., History/Art History/Textiles, University of Minnesota.

Experience – Seventeen years experience in museum collection management. Seven years experience as Regional Curator, Midwest Region, National Park Service.

Plan Responsibility – Consultant in area of museum collections.

Mary Mae Hardt

Education – M.S., Biology, Eastern Washington University.

Experience – Five years as a planner for the Rivers, Trails, and Conservation Assistance Program, Midwest Regional Office, National Park Service. Has left the National Park Service.

Plan Responsibility – Providing technical assistance for recreation, transportation, and economic issues; developing public involvement strategies; conducting analysis of public comments.

Bruce A. Jones

Education – M.A., Anthropology, University of Arizona; B.A., Anthropology, University of Kansas.

Experience – Twenty-three years experience in archeology; currently archeologist at the National Park Service Midwest Archeological Center.

Plan Responsibility – consultant for archeology.

Dan Licht

Education - M.S., Wildlife Sciences, Texas A&M University; B.S., Wildlife Management, University of Wisconsin-Stevens Point.

Experience - Thirteen years of experience as a wildlife biologist in the Department of the Interior.

Plan Responsibility – Consultant for the development of biological assessment for endangered species.

Mike Madell

Education – M.S., Parks and Recreation, University of Minnesota; B.S., Environmental Studies, Western Michigan University.

Experience – Twenty years of experience in parks and resource management; eleven years with the National Park Service.

Plan Responsibility – Consultant in areas of compliance and planning.

June McMillen

Education – M.En., Environmental Science, Miami University; B.A., Anthropology, Northern Illinois University.

Experience – Ten years in field of interpretation with National Park Service and US Forest Service; ten years as planner; currently serving in Education and Visitors Services Division, Midwest Regional Office.

Plan Responsibility – Writer/editor; webmaster, Tallgrass Prairie National Preserve web pages; assist with public information activities.

Steve Miller

Education – B.S., Environmental Science, minor in History, Elmira College.

Experience – Twenty-seven years with National Park Service, currently serving as Superintendent, Tallgrass Prairie National Preserve.

Plan Responsibility – Represent preserve management and operations; provide policy support; assist with public involvement and consultation.

John Neal

Education – B.A., History, Secondary Education, Western New Mexico University.

Experience – Thirty years with National Park Service in eight different parks and offices. Twenty years planning experience, fifteen as a Park Manager.

Plan Responsibility – Team Captain; adaptation of socioeconomic data.

George Oviatt

Education – M.S., Microbiology, B.S., Biology, Kansas State College; B.S., Teacher Education, Missouri Southern State College.

Experience – Graduate of NPS Resource Management Intake program: 17 years experience in six park service units as a resource management specialist.

Plan Responsibility – Development of natural resources elements of the GMP and EIS.

Dena Sanford

Education - M.S., Historic Preservation, University of Oregon; B.A., History, Montana State University.

Experience - Seven years experience in Cultural Resources Division of Midwest Regional Office; three years as architectural historian, independent contractor.

Plan Responsibility – Development of cultural resources elements of the GMP and EIS.