

# SECTION 5: CONSULTATION AND COORDINATION

## COMPLIANCE WITH ENABLING LEGISLATION

The act establishing the preserve has several sections that have implications for, or directly relate to, consultation and coordination in the development of the draft GMP/EIS:

### Section 1002(a)

- (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 natural and historic objects, and wildlife unimpaired for the enjoyment of future generations .

### Section 1005

- (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.
- (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).

### Section 1005(g)

- (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
  - (B) adjacent landowners, appropriate officials of nearby communities, the Kansas Department of Wildlife and Parks, the Kansas Historical Society (sic), and other interested parties.

### **The National Park Trust (NPT)**

Currently, all lands within the authorized boundary of the preserve are owned by the NPT. As required by the legislation establishing the preserve, the NPT has been consulted on and involved in each phase of the development of the draft GMP/EIS. Members of the NPT staff have been

invited to and have attended many of the GMP work sessions; public open houses; and meetings with organizations, congressional delegations and American Indian tribes. The staff has had the opportunity to review drafts of planning documents and other documents, and to provide comment on them.

Presentations and briefing papers on the status of the planning effort have been provided to the NPT Board of Directors in January 1998, July 1998, February 1999, and July 1999. Also, they were afforded the opportunity to comment on documents including the preliminary alternatives, the draft preferred alternative, and the draft GMP/EIS. They have received the five newsletters and a number of other planning documents.

### **The Advisory Committee**

The advisory committee has been consulted on all phases of the development of the GMP/EIS. In addition, the committee has been kept informed of the progress of the planning effort through briefing papers, newsletters, and through the receipt of various planning documents.

On December 10, 1997, the GMP team briefed the committee on the GMP process and schedule, project agreement, and draft Significance, Purpose, and Mission Statements. The team reviewed their work-to-date in areas of GIS, natural resources, cultural resources, and interpretation and education, including the draft Interpretation Themes and Visitor Experience Goals, and answered advisory committee questions. On February 6, 1998, a telephone conference call with the advisory committee and members of the GMP team was held to obtain committee input on the draft Significance, Purpose, and Mission Statements. On May 6, 1998, the GMP team members provided an update of the various program areas, presented the Enhancement and Sustainable Management Panel reports, and gave a presentation on the draft preliminary alternatives. On August 28, 1998, members of the GMP team and committee discussed the preliminary alternatives. On January 13, 1999, the committee received an overview of and discussed the draft preferred alternative. In October 1999, the committee received the draft GMP/EIS and was briefed on the anticipated schedule. At the October 27, 1999 meeting, the draft GMP/EIS was reviewed and the remaining steps in the planning process explained. On February 16, 2000, the committee was briefed on the public comment received and voted 8 yeas and 4 nays in support of the draft GMP/EIS.

### **Local Officials**

Two rounds of meetings were conducted by representatives from the NPT and NPS. The first round was held to establish communications, to discuss the GMP process and schedule, and to answer any questions. Meetings were held with the Strong City Council on April 14, 1998 and with the Cottonwood Falls City Council on April 20, 1998; no major comments were received. A meeting was held with Chase County Board of County Commissioners on May 1, 1998. At that meeting, two of the three commissioners expressed their support for a small bison presence. Rumors of a wolf reintroduction were addressed.

A second round of meetings was held by NPT and NPS to update the officials on the planning process and brief them on the draft preferred management alternative. On January 25, 1999, a meeting was held with the Chase County Board of County Commissioners. The board recommended that the team consider the location of enclosures for bison herds, preferably not adjacent to another property owner. On February 1, 1999, in a meeting with the Cottonwood Falls City Council, the City Attorney expressed concern about the proposals to plant historic crops and restore bottomland prairie near Fox Creek. He felt that, based on past flood histories, the restoration could be significantly impacted by a future flood event. On February 9, 1999, in a meeting with the Strong City Council, the Mayor remarked to the Council about the draft preferred alternative, i.e. the economic development potential for local communities, public involvement in the planning process, and good overall plan. During the first week of December 1999, copies of the draft GMP/EIS were transmitted to each member of the Chase County Board of

County Commissioners and the Mayors and City Council members of Strong City and Cottonwood Falls. No requests were received, as offered, to attend any upcoming meetings to discuss and answer questions.

**Kansas Department of Wildlife and Parks**

In accordance with the preserve's enabling legislation, the Kansas Department of Wildlife and Parks (KDWP) has been consulted during the preparation of the draft GMP/EIS.

On July 17, 1997, GMP team members met with the KDWP in an initial scoping session. No major issues were identified, but KDWP expressed concerns with current management practices (grazing and fire) and their potential effects on wildlife populations. They expressed an interest in staying involved in the planning process. On August 5, 1997, portions of the GMP team discussed fisheries issues with KDWP staff members.

On June 2, 1998, members of the GMP team met with a representative of KDWP to discuss the preliminary alternatives that had been provided earlier by mail. Also discussed were the Topeka shiner, gravel mining, and deer management.

On February 10, 1999, GMP team members met with a representative of KDWP to discuss the draft preferred alternative and the problems associated with reintroducing large ungulates.

On December 1999, GMP team members met with KDWP. Steve Sorenson as spokesperson, expressed the following concerns: the limitations of the size of the recommended bison reintroduction area; the estimated cost of the visitor center which, as written, appears to be \$400/sq ft.; and that, as part of the bison plan, the NPS will have to make a request to KDWP for bison reintroduction. They also had concerns over requests from the public to introduce elk and pronghorn antelope, citing their past efforts and what they viewed as limitations. Mr. Sorenson said these views would be included in their response letter on the GMP.

**Kansas State Historical Society**

Please see "Compliance Regarding Cultural Resources," below.

**Financial Analysis**

As required by enabling legislation, a financial analysis was prepared parallel to the GMP process and is available through the preserve headquarters.

## COMPLIANCE WITH KEY FEDERAL AND STATE LAWS, EXECUTIVE ORDERS, AND OTHER REGULATIONS

In implementing the GMP, the NPS would comply with all applicable laws and executive orders, including those listed below and in Appendix 5. Formal and informal consultation with the appropriate federal, state, and local agencies has been conducted in the preparation of this document.

The draft GMP/EIS was on public review for 60 days. Revisions to the draft GMP/EIS have been made based on public input and on evolving knowledge about the preserve and its resources. A 30-day no-action period will commence when this final GMP/EIS is released to the public. The 30-day period will begin on the date that the Environmental Protection Agency's notice of availability appears in the *Federal Register*. At the conclusion of the no-action period, the NPS anticipates a Record of Decision will be prepared to document the selected alternative and set forth stipulations for implementation of the GMP. Approval of the Record of Decision will complete the requirements of the National Environmental Policy Act. The Record of Decision will be published in the *Federal Register* and in the *Chase County Leader-News*.

### Compliance Regarding Cultural Resources

The NPS is mandated to preserve and protect the cultural resources it manages by the act of August 25, 1916, and through specific legislation such as the Antiquities Act of 1906, the National Environmental Policy Act of 1969, and the National Historic Preservation Act of 1966 as amended. Cultural resources would be managed in accordance with these acts and with Chapter V of the NPS Management Policies, 1988; Director's Order-28, Cultural Resources Management (DO-28); and other relevant policy directives, such as the NPS Museum Handbook, Parts I, II, and III; the NPS Manual for Museums; and NPS-6, Interpretation and Visitor Services Guidelines.

Section 106 of the National Historic Preservation Act of 1966 as amended (16 USC 470, et seq.) requires that federal agencies having direct or indirect jurisdiction take into account the effect of undertakings on National Register properties and allow the Advisory Council on Historic Preservation (ACHP) an opportunity to comment. Section 110(f) of the act requires that Federal agencies exercise a higher standard of care when considering undertakings that may directly and adversely affect NHLs. The law requires that agencies "to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to such landmarks." Toward that end, the NPS would work with the Kansas State Historic Preservation Office (SHPO) and the ACHP to meet requirements of 36 CFR 800 and the September 1995 programmatic agreement among the National Conference of State Historic Preservation Officers and the NPS. This agreement requires the NPS to work closely with the SHPO and the ACHP in planning for new and existing NPS areas. The June 17, 1999 revised Section 106 regulations do not substantially change the National Park Service established procedures for compliance and consultation at the preserve.

On June 19, 1997, the ACHP was sent a notice of initiation of work and potential to affect historic properties. They responded on July 17, stating interest in assisting in the planning process. On January 5, 1998, they were sent a notice of the final Project Agreement. On May 8, 1998, they were sent a notice of the preliminary alternatives and on January 22, 1999, they were sent a notice of the draft preferred alternatives and a copy of "Public Response" report. The final draft GMP/EIS was sent to Advisory Council on November 10, 1999. No written comments were received.

On June 19, 1997, the GMP team made the first contact with the SHPO by sending a notice of initiation of work, and potential to affect historic properties. On July 17, members of the GMP team met with SHPO staff and discussed the preserve's enabling legislation and provisions, the GMP planning process and status, tribal consultation, cultural resources of the preserve, status of information needs and collection, ongoing and planned research projects, integration with GIS database, Native American Graves Protection and Repatriation Act of 1990 (NAGPRA), Section 106 Compliance, and SHPO and ACHP involvement. On January 5, 1998, the SHPO was sent a notice of the final Project Agreement and on May 8, 1998, the office was sent a notice of the preliminary alternatives. On June 4, the team and SHPO staff met to discuss the preliminary alternatives, compliance, on-going studies, resource types, current leases, and the ownership of the property. On January 22, 1999, a notice regarding the draft preferred alternative and "Public Response" report was sent to SHPO. On February 11, the team and SHPO staff met to discuss the draft preferred alternative, issues of potential demolition of structures, the need to determine

period and levels of significance, period of interpretation, life of oil and gas leases, development issues, landscape features, and archeology sites. The SHPO requested copies of the legislative history, and the opportunity to review drafts of the Historic Resource Study (HRS) and Cultural Landscape Report (CLR) when submitted. On February 18, the team received a response from the SHPO regarding issues raised by the discussion of the draft preferred alternative, in particular the possible removal of structures and the need to determine a period of significance. The SHPO requested submittal of the draft HSR and CLR Part I for review. A final draft GMP/EIS was sent to the Kansas SHPO on November 10, and a subsequent meeting held on December 2, 1999. The SHPO staff were supportive of the document. They liked the discussion of the need to address 20<sup>th</sup> century resources, to undertake archeological inventories as needed, the recognition of ethnographic resources, and consultation. The meeting addressed the status of the HRS and CLR, and the Kansas SHPO's experiences in preservation theory and its evolution. Also discussed were implementation planning after completion of the GMP, and issues related to the development of Comprehensive Interpretation Plan, Bison Management Plan, Fire Management Plan, and Resource Management Plan.

The National Historic Preservation Act of 1966, as amended, also provides for a number of programmatic exclusions for specific actions that are not likely to have an adverse effect on cultural resources. These actions may be implemented without further review by the SHPO or ACHP, provided that NPS internal review finds the actions meet certain conditions. Undertakings, as defined in 36 CFR 800, not specifically excluded in the programmatic agreement must be reviewed by interested parties, the SHPO, and the ACHP before implementation. Throughout the process there will be early consultation on all potential actions.

The GMP/EIS includes actions that require review and comment by the SHPO and the ACHP. The SHPO will be consulted during the development of the HRS and CLR, as part of the process of updating the LCS and the CLI, and during the development of other reports that are part of the implementation of the preferred alternative. The Kansas SHPO will be consulted as part of the development or rehabilitation of historic structures or landscapes. Archeological surveys would be a part of any park development work. Consultation with associated groups will be undertaken prior to action on cultural resources that are also ethnographic resources, regardless of their National Register status.

Prior to any ground-disturbing action by the NPS, a professional archeologist will determine the need for archeological inventory or testing evaluation. Any such studies will be carried out in conjunction with construction and will meet the needs of the SHPO, as well as the NPS. Any large-scale archeological investigations will be undertaken in consultation with the SHPO.

Section 110 of the National Historic Preservation Act requires the NPS to identify and nominate to the National Register of Historic Places all resources under its jurisdiction that appear to be eligible. Structures or cultural landscape features chosen for abandonment or removal would be evaluated for National Register eligibility, if they have not yet been evaluated. The Kansas SHPO would be contacted for review and comment.

NPS historic areas are automatically listed on the National Register upon their establishment by law or executive order.

## Consultation with American Indian Tribes

American Indian tribes with cultural affiliation to the preserve will be meaningfully involved in ongoing decisions regarding planning, interpretation, and resource management. Tribal concerns and issues will be fully considered in the decision-making process, in a government-to-government relationship. Resource information will be open and accessible to American Indian tribes, including environmental, social, and economic information about a proposed action and its probable effects.

Management decisions related to planning, interpretation, research, and cultural and natural resource management are all covered by laws, regulations and policies calling for a review of impacts to resources and the need for consultation with all affected American Indian tribes. NAGPRA requires park units to consult with American Indian governments and religious leaders regarding the disposition of American Indian human remains, funerary objects, sacred objects, and objects of cultural patrimony with which they can demonstrate lineal descent or cultural affiliation. The National Environmental Policy Act of 1969, as amended, requires that tribes be consulted concerning planned actions, and be invited to participate in the project scoping process.

The National Historic Preservation Act of 1966, as amended, requires that federally-funded projects identify effects on cultural properties, and that American Indian tribes be invited to consult on preservation activities when an undertaking or project affects Indian lands or properties of historic value to an Indian tribe on non-Indian lands. Section 304(a) of this act makes it possible for agencies to maintain confidentiality of information obtained during consultation regarding the location of sensitive historic resources. A systematic program of inventory, and consultation might identify Traditional Cultural Properties eligible for National Register listing.

In fulfillment of the American Indian Religious Freedom Act of 1978, the preserve provides for the protection and appropriate use of sites associated with traditional religions, and the use and possession of sacred objects. The collection of information and consultation are also addressed in the following laws and policies: Archeological Resource Protection Act of 1979, if issuance of a permit will result in harm to or destruction of a site that has importance to that community; NPS Native American Relationships Management Policy, 1987; DO-28 (Cultural Resources Management); NPS Management Policies, 1988; United States Department of the Interior, Executive Order 3175, November 8, 1993; Executive Order 12898, issued by President Clinton on February 11, 1994; and Executive Memorandum, issued by President Clinton on April 29, 1994.

In May 1997, a first notice was sent to the culturally-affiliated tribes regarding the planning project; these tribes included the Wichita and Affiliated Tribes, the Osage Nation of Oklahoma, the Pawnee Nation of Oklahoma, and the Kaw Nation of Oklahoma. In June 1997, the planning team members met at various times with the Wichita and the Kaw, and discussed planning issues, the GMP process, archeology and ethnographic resources, ongoing research work, NAGPRA, and the possibility of including bison at the preserve. The Wichita discussed the importance of Florence A flint and expressed their interest in being involved in archeological work at the preserve and in participating in the planning process. The Kaw discussed the history of the Kaw presence in the area of the preserve. A similar meeting was held in July with the Pawnee. In addition to the topics noted above, the Pawnee discussed the need to consult with other tribes (Potowatomie, Sac & Fox, etc.).

In December 1997, a notice of the final Project Agreement was sent to the Kaw, Osage, Pawnee, and Wichita. In February 1998, a notice of the final Project Agreement and information packets were sent to the Iowa Tribe of Kansas and Nebraska, the Sac and Fox Nation of Oklahoma, the Prairie Band of Potowatomie, the Iowa Tribe of Oklahoma, and the Sac and Fox Nation of Missouri; the team offered to meet with them. The tribes requested no meetings.

In May 1998, the notice of preliminary alternatives was sent to the Kaw, Osage, Pawnee, Wichita, Sac and Fox Nation of Oklahoma, Prairie Band of Potowatomie, Iowa Tribe of Oklahoma, Iowa Tribe of Kansas and Nebraska, and Sac and Fox Nation of Missouri. In that same month, members of the planning team met with the Wichita, Pawnee, and Kaw. Discussions included ways the tribes could be involved in interpretation programs at the preserve. The Pawnee raised the question: Why were there no Native Americans on the Advisory Committee?

In January 1999, a notice of the draft preferred alternative was sent to the Kaw, Osage, Pawnee, Sac and Fox Nation of Oklahoma, Prairie Band of Potowatomie, Iowa Tribe of Oklahoma, Iowa Tribe of Kansas and Nebraska, and Sac and Fox National of Missouri.

On March 25 and 26, 1999, members of the team met with the Kaw and Pawnee respectively. At the meeting with the Kaw, much of the discussion centered on Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) and sacred sites protection. At the meeting with the Pawnee, the team expressed a need for written comments on the draft preferred alternative. A second meeting with the full tribal council was scheduled for March 30 and was attended by the preserve superintendent. No major concerns with the draft preferred alternative were expressed, though the Pawnee did express interest in being involved with activities at the preserve.

Opportunities for further consultation will be ongoing; the intent is for open communications for the life of the preserve.

Despite repeated attempts by mail and telephone, meetings could not be set up with the Osage. In addition, none of the historically associated tribal groups responded to the letters or demonstrated an interest in meeting with the planning team.

The final draft GMP/EIS was mailed to the four culturally affiliated tribes (Kaw, Pawnee, Osage and Wichita) in late November 1999, along with an invitation by the GMP team to meet and discuss the document. Final drafts were likewise sent to the Kickapoo Tribe of Kansas, the Iowa Tribe of Kansas and Nebraska, the Iowa Tribe of Oklahoma, the Sac and Fox Nation of Oklahoma, the Sac and Fox Nation of Missouri, and the Prairie Band of Potawatomi; all were invited to comment on the document. None of the tribes responded or expressed concern with the material. None requested a meeting.

### **Tribes Consulted**

Iowa Tribe of Kansas and Nebraska  
Iowa Tribe of Oklahoma  
Kaw Nation of Oklahoma  
Kickapoo Tribe of Kansas  
Osage Nation of Oklahoma  
Pawnee Tribe of Oklahoma  
Prairie Band of Potawatomie  
Sac and Fox Nation of Missouri  
Sac and Fox Nation of Oklahoma  
Wichita and Affiliated Tribes

## **Compliance Regarding the Social Environment**

The NPS recognizes its obligations to provide public facilities that are accessible to and usable by all segments of the visitor population, regardless of ability. Accessibility to and use of the preserve facilities by visitors with physical and learning disabilities will continue to be provided in conformance with Architectural Barriers Act of 1969 (42 USC 4151 et seq.); Rehabilitation Act of 1973 (29 USC 701 et seq.); Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327); and any other applicable laws and regulations. To the greatest extent possible, commensurate with their abilities, visitors with disabilities will be able to enjoy the preserve using the same facilities and programs as the able-bodied; sensitive park planning and design will facilitate this goal. Consultation and coordination of accessibility considerations will be developed with organizations whose members have disabilities.

Currently, some areas and structures of the preserve are more accessible than others. The degree of accessibility is limited by the age, design, and location of structures and facilities. Some new facilities will be accessible as well as some existing facilities that may experience restoration or rehabilitation as ADA recognizes that some historic structures may not be made completely accessible without irretrievably harming the resource. This also applies to employee work areas.

Programmatic access for visitors with sensory- and learning-impairments will be considered in all planning, new construction, and rehabilitation.

## **Compliance Regarding Natural Resources**

### **Endangered Species Act**

Section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. § 1531 *et seq.*) requires all federal agencies to consult with the U.S. Fish and Wildlife Service (FWS) to ensure that any action authorized, funded, or carried out by the agency does not jeopardize the continued existence of listed species or critical habitat.

Informal consultation with the U.S. Fish and Wildlife Service was initiated by a letter dated June 27, 1997, to determine if any endangered or threatened species existed in or near the preserve. A response, dated July 11, 1997, stated that certain proposed endangered and

threatened species and species of concern may occur in the area of the preserve (see Appendix 6 for a copy of the response).

To date, the Topeka shiner, a federally-listed endangered species, has been found in two of the unnamed tributaries on the preserve. Therefore, the National Park Service prepared a biological assessment as required by 16 U.S.C. § 1536 (c)(1) and submitted the assessment to the U.S. Fish and Wildlife Service. The FWS provided its concurrence with the determinations of the biological assessment in a memorandum dated April 5, 2000 (see Appendix 6 for a copy of the memorandum).

The NPS would continue to consult with the FWS regarding the need for future threatened and endangered species surveys before beginning construction or rehabilitation activities. If such species were found, the NPS would develop and implement measures in consultation with the FWS to ensure that protected species would not be affected.

As required by NPS Management Policies, the NPS would cooperate with the state of Kansas to ensure protection of state-listed species in the park.

### **Floodplain Management and Protection of Wetlands**

Executive Orders 11988 (Floodplain Management) and 11990 (Protection of Wetlands) direct federal agencies to enhance floodplain and wetland resources, to avoid development in the floodplains and wetlands whenever there is a practicable alternative, and to avoid to the extent possible adverse impacts associated with the occupancy or modification of floodplains or wetlands. At the request of the NPS, the NPT has requested that Natural Resources Conservation Service (NRCS) survey the preserve to delineate the wetland areas.

### **Farmland Protection Policy Act of 1981 (P.L. 97-98; 7 USC 4201 *et seq.*)**

This act seeks to minimize the extent to which federal programs contribute to the unnecessary and irreversible conversion of farmland to non-agricultural uses. It intends to ensure federal programs are administered in a manner that, to the extent practicable, will be compatible with state, local government, and private programs and policies to protect farmland. Implementing regulations associated with the act require agencies to coordinate with the NRCS to evaluate the extent to which proposed actions and policies could affect farmland. The NPS consulted with the NRCS to determine the applicability of the requirements of the act to actions proposed in the alternatives.

Some of the development proposed in the alternative would be located in areas that include lands considered to be prime farmland. However, the development may not actually be located on the prime land. It is not possible at this general level of planning to determine with certainty if prime farmland would be converted to a non-agricultural use. Decisions about the exact location of development would be made as part of future, site-specific planning. If at that time, it is determined that prime farmland would be impacted by the development, the NPS would initiate the analysis necessary to comply with Farmland Protection Policy Act regulations.

Please see Appendix 5 for a full list of laws, regulations, and executive orders with which this planning effort and resulting implementation activities will comply.



## CONSULTATION AND COORDINATION

# LIST OF AGENCIES AND ORGANIZATIONS TO WHOM THIS DOCUMENT HAS BEEN SENT

### FEDERAL

#### AGENCIES/ORGANIZATIONS

- Advisory Council on Historic Preservation
- Environmental Protection Agency
- Fish and Wildlife Service, Kansas Field Office
- Kansas Congressional Delegation
- Natural Resource Conservation Service

### TRIBES

- Iowa Tribe of Kansas and Nebraska
- Iowa Tribe of Oklahoma
- Kaw Nation
- Kickapoo Tribe of Kansas
- Osage Nation of Oklahoma
- Pawnee Tribe of Oklahoma
- Prairie Band of Potowatomie
- Sac and Fox Nation of Missouri
- Sac and Fox Nation of Oklahoma
- Wichita and Affiliated Tribes

### STATE AGENCIES/ORGANIZATIONS

- Kansas Biological Survey
- Kansas Corporation Commission, Oil and Gas Conservation Division
- Kansas Department of Agriculture
- Kansas Department of Health and Environment
- Kansas Department of Transportation
- Kansas Department of Wildlife and Parks
- Kansas Division, Travel and Tourism
- Kansas Division of Water Resources
- Kansas Geological Survey
- Kansas State Historic Preservation Officer
- Kansas State Historical Society
- Office of the Governor
- State Representative, District 70
- State Senator, District 17

### OTHER AGENCIES AND ORGANIZATIONS

- National Park Trust
- National Parks and Conservation Association
- Nature Conservancy, Kansas State Director
- Kansas Farm Bureau
- Kansas Livestock Association
- Chase County Board of County Commissioners
- Mayor and City Council, Cottonwood Falls
- Mayor and City Council, Strong City
- Dakota Zoo
- Grassland Heritage Foundation

- Audubon of Kansas
- Kansas Horse Council
- The Wildlife Society, Kansas Chapter
- National Wildlife Federation
- Chase County Farm Bureau Association
- Sierra Club, Kansas Chapter

### OTHER ENTITIES

- Adjacent Landowners
- Enhancement Panel Participants
- Sustainable Management Panel Participants
- Tallgrass Prairie National Preserve Advisory Committee

## **PUBLIC AND AGENCY REVIEW**

The *Draft General Management Plan/Environmental Impact Statement (DGMP/EIS)* for the Tallgrass Prairie National Preserve was available for public review from November 26, 1999 to January 25, 2000. Responses were received by mail, Internet, and at four public open houses. Written comments were received from about 70 individuals, agencies, and organizations. About 70 people attended the open houses.

This section summarizes and responds to substantive comments on the DGMP/EIS that were received from the public. The Council on Environmental Quality defines substantive comments as comments that:

- (A) question, with reasonable basis, the accuracy of information
- (B) question, with reasonable basis, the adequacy of environmental analysis
- (C) present reasonable alternatives other than those presented in the document
- (D) cause changes or revisions in the proposal

In other words, substantive comments raise, debate, or question a point of fact or policy. Comments in favor of or against the proposed action or alternatives, or those that only agree or disagree with NPS policy are not included.

While public input is fundamental to responsible planning, it is only one tool that decision-makers use to determine an appropriate course of action. The laws, regulations, and policies that govern the National Park Service and Tallgrass Prairie National Preserve also must be considered, as does the base of knowledge about the resources of the preserve and the professional judgement of those who are charged with management of the preserve. The NPS must respond to the whole of public input and must consider the merits of comments received from a diverse public and other agencies in the context of resource information, laws and mandates, and sound management practices.

Many commentors made suggestions or asked about matters that are usually not addressed in general management plans, but rather in follow-up implementation plans. The National Park Service appreciates these comments, and will use them when implementation planning begins.

## **Agency and Organization Comments**

Written comments from agencies, organizations, and business interests are reprinted on the following pages. National Park Service responses to those comments are included. Citizen comments follow the organization comments.

JAN-24-2000 10:48

P. 02/05



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

 REGION VII  
 901 N. 5TH STREET  
 KANSAS CITY, KANSAS 66101

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*received*  
 JAN 13 2000

 Mr. William W. Schenk  
 Regional Director  
 National Park Service  
 1709 Jackson Street  
 Omaha, NE 68102-2571

 re: Review of the Tallgrass Prairie National Preserve Draft General Management Plan  
 and Environmental Impact Statement

Dear Mr. Schenk:

The Environmental Protection Agency has reviewed the Draft General Management Plan and Environmental Impact Statement (Draft GMP/EIS) for the Tallgrass Prairie National Preserve located in Kansas. Our review is provided pursuant to the National Environmental Policy Act (NEPA) 42 U.S.C. 4231, Council on Environmental Quality (CEQ) regulations 40 C.F.R. Parts 1500-1508, and Section 309 of the Clean Air Act (CAA).

The National Park Service (NPS) proposes to implement a General Management Plan to guide park management decisions for the next 10-15 years. The Draft GMP/EIS explores a range of alternatives that involve changes to the operation and maintenance of land owned by the National Park Trust which will be managed by the NPS through a cooperative agreement. The proposed action focuses on the integrated management of the natural and cultural resources of the preserve based on the idea that the preserve is a unit in the National Park System established to preserve, protect, and interpret for the public a remnant of the once vast tallgrass prairie ecosystem, and that this remnant exists today because of a complex history of interaction between people and land.

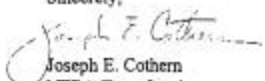
Based on our overall review we have assigned the DEIS a rating of LO - Lack of Objections. A copy of EPA's rating system criteria is enclosed. EPA has, however, identified several areas in which the Final General Management Plan and Environmental Impact Statement (Final GMP/EIS) might be improved:

RECYCLE ♻️

1. We found the Cumulative Impacts Section to be the weakest part of the document. In the Final GMP/EIS, preparers should expand that section to include the necessary elements outlined in 40 CFR 1508.7, which defines "cumulative impacts." The Final GMP/EIS should include a discussion of other past, present, and future activities within the area (and their impacts upon the same resources that might be impacted by the proposed project alone). The Council on Environmental Quality's '97 Report, "Considering Cumulative Effects Under the National Environmental Policy Act" and EPA's May 1999 guidance, "Consideration on Commutative Impacts in EPA Review of NEPA Documents," might also be helpful in developing an appropriate discussion of cumulative impacts. A copy of each is provided as enclosures to this letter.

2. Another area of the Draft GMP/EIS which needs further explanation is the conditions under which cattle grazing and ranching activities will continue in Section 2, Alternatives and Proposed Action. For example, the number of cattle and/or bison that will be allowed to graze on the preserve and more detailed information on where and when they will be allowed to graze. This information is needed to assess direct, indirect, and cumulative impacts to the natural landscape. This information will also assist the public in understanding the role that grazing plays in the management of native grass species, and will also facilitate a more complete analysis of potential non-point source pollutant contributions within the watershed.

EPA commends the National Park Service for their extensive efforts in interagency coordination, seeking public participation, and for including a wide range of alternatives. We appreciate working with your staff on this general management plan, and appreciate their prompt follow-up on providing additional materials with which to assist our review. Please send one copy of the Final GMP/EIS to this office at the same time it is officially filed with our Washington, D.C. office. If you have any questions, please contact Royce B. Kemp at (913)551-7551.

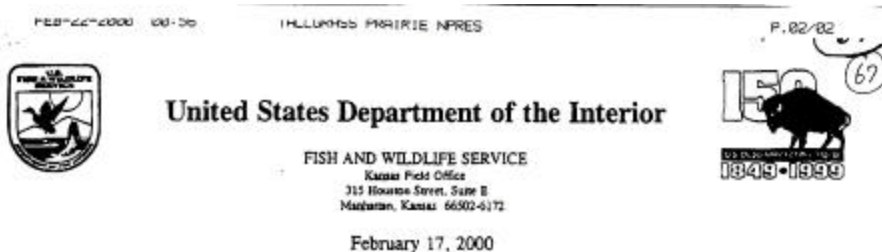
Sincerely,  
  
 Joseph E. Cothorn  
 NEPA Team Leader

Enclosure(s)

cc: Michael Madell, NPS  
 Pearl Young, EPA - OFA

#64 - United States Environmental Protection Agency

1. Few cumulative impacts are anticipated from actions described in this plan. However, text has been added to the appropriate sections of the environmental consequences discussion to further clarify possible cumulative affects. Cumulative impacts would also be discussed as part of future site-specific or project-specific environmental analysis that tier from this document.
2. These details will be discussed in the Bison and Vegetation Management Plans to be prepared after approval of this General Management Plan.



## MEMORANDUM

To: Superintendent, Tallgrass Prairie National Preserve, Cottonwood Falls, KS

From: Field Supervisor, Kansas Field Office, Manhattan, KS

Subject: Review of the Draft General Management Plan and Environmental Impact Statement for Tallgrass Prairie National Preserve, Kansas.

The U.S. Fish and Wildlife Service, Kansas Field Office has reviewed the subject document and has the following preliminary comments. Official comments will be provided through the our Regional Environmental Officer or through our Washington Office of Environmental Policy and Compliance.

We believe the draft management plan and Environmental Impact Statement is generally well done and has addressed most of the important issues with the proposed project.

The Fish and Wildlife Service (FWS) is available to coordinate further with the Park Service on research efforts to guide management decisions regarding restoration of Topeka shiner habitat under the preferred alternative.

1. If it is determined that present management action or planned management actions may adversely affect the Topeka shiner the National Park Service (NPS) should request formal Section 7 consultation with the Service. If there will be no impact, there is no need for further consultation. To help make this determination the NPS should conduct and submit to the FWS a biological assessment, pursuant to Section 7 (c) of the Endangered Species Act to determine the effects of the proposed project on listed species. Your final Environmental Impact Statement should include the results of this biological assessment. Specific guidance and policy regarding preparation of a biological assessment may be found in 50 CFR 402.12. At your request our office will provide technical assistance to the NPS during development of this biological assessment.

For technical assistance please contact me at 785 539-3474 ext. 105 or Dan Mulhern at ext. 109.

We appreciate the opportunity to review these documents.

*William H. Dill*

## #67 - United States Fish &amp; Wildlife Service

1. A biological assessment was prepared and submitted to the U.S. Fish and Wildlife Service on March 28, 2000. In its response to the biological assessment (dated April 5, 2000), the U.S. Fish and Wildlife Service concurred with the determinations regarding the Topeka shiner and the bald eagle. (See Appendix 6.)

Text has been added to the description of the affected environment and to the discussion of impacts to reflect the determinations of the assessment.

Comments

Responses

BILL GRAVES, GOVERNOR  
Jamie Clover Adams, Secretary of Agriculture  
109 SW 9th Street  
Topeka, Kansas 66612-1280  
(785) 296-3558  
FAX: (785) 296-8389

STATE OF KANSAS



JAN 12 2000

Division of Water Resources  
David L. Pope, Chief Engineer  
109 SW 9th Street, 2nd Floor  
Topeka, KS 66612-1283  
(785) 296-3717 FAX (785) 296-1176

KANSAS DEPARTMENT OF AGRICULTURE

January 11, 2000

36

Mr. Stephen T. Miller, Superintendent  
United States Department of Interior  
National Park Service  
Tallgrass Prairie National Preserve Office  
P.O. Box 585, 226 Broadway  
Cottonwood Falls, Kansas 66845-0505

Dear Mr. Miller:

Thank you for the opportunity for our agency to review the "Draft General Management Plan and Environmental Impact Statement" dated October 1999, for the Tallgrass Prairie National Preserve in Chase County, Kansas. Wise use and preservation of our natural resources for benefit of Kansas citizens should be a joint effort by our agencies.

From your report, it is noted that the preserve consists of 10,894 acres of rolling grassland. Two major creeks cross the property, Fox Creek and a tributary, Palmer Creek. Numerous springs, seeps, and stock ponds dot the landscape and make up some of the water resources for the preserve.

1. As you know, the Division of Water Resources, Kansas Department of Agriculture, administers laws governing water resource management in Kansas. K.S.A. 82a-728 of the Water Appropriation Act states in part that a permit from the Division of Water Resources is required prior to use of water for any purpose, except for domestic use and the annual diversion and beneficial use of not more than 15 acre-feet of surface water impounded in any reservoir having a total water volume of less than 15 acre-feet. Also, by law the violation of any condition or limitation under an existing water right is not allowed. Therefore, if the proposed project will result in a change in type of use, or cause the use of water in excess of the quantity or rate now authorized, or, if you have no prior authorization to use water at the site of the proposed project, you must first obtain authorization from the Chief Engineer, Division of Water Resources. It is noted that you may propose to create impoundments of water for recreation fishing opportunities. One of the recognized beneficial uses of water by the Water Appropriation Act is recreational use. If you desire to obtain a water right for recreational use of water, you should file an application for permit to appropriate water prior to use of the water. Recreational use of water is defined by K.A.R. 5-1-1(w) as the use of water in accordance with a water right which provides entertainment, enjoyment, relaxation, and fish and wildlife benefits. In Section 3, Natural Resources, Water Resources, page 60 of your impact statement, it is mentioned there are 26 constructed stock ponds, including one 200 acre-foot watershed retention impoundment. The 200 acre-foot watershed retention impoundment and any
- 2.
- 3.
- 4.

Equal Opportunity in Employment and Services

#35 – Kansas Department of Agriculture

1. Comment acknowledged.
2. While the proposed plan does cite fishing as a potential day use recreational activity, the National Park Service does not anticipate the need to create additional impoundments of water resources.
3. Comment acknowledged.
4. The Payton Creek Watershed District Number 71 controls the 200-acre retention impoundment referenced. The district has confirmed that they have the necessary permit (#DCS-0142). Language has been added to the Water Resources Section (page 72) to clarify who controls this impoundment. The National Park Service understands that existing ponds on the Preserve are exempt from permit requirements, as they are used solely for livestock purposes.



Mr. Stephen T. Miller, Superintendent  
Page 2

stock pond with a storage of 15 acre-foot or greater will require a permit to appropriate water. Please complete an application for permit to appropriate water for beneficial use and submit it to this office for each diversion of surface water that is 15 acre-feet or more per calendar year. Please let us know how many applications for permit to appropriate water for beneficial use you desire and we will send the forms to you.

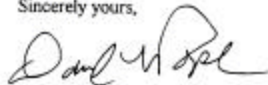
5. Two state laws, the Stream Obstructions Act (K.S.A. 82a-301 to 305) and the Levee Law (K.S.A. 24-126) appear to have applicability in the alternatives proposed. Bridges, culverts, channel changes and structures that are capable of impounding more than 30 acre-feet at the top of the structure would need to obtain a permit from our offices if located on non-Federal lands. Also, any fills in floodplains on non-Federal lands may need a permit from our office.

I have enclosed for your information, a copy of the Kansas Water Appropriation Act (K.S.A. 82a-701 *et seq*) and a copy of the Rules and Regulations Kansas Water Appropriation Act, K.S.A. 24-126, K.S.A. 24-105 and K.S.A. 82a-301 to 305.

Again, I appreciate the opportunity to review and comment on this comprehensive general management plan and environmental impact statement for the Tallgrass Prairie National Preserve. The Preserve will undoubtedly be of great benefit to Kansans by enhancing their awareness and knowledge of the tallgrass prairie ecosystem.

If you have further questions, please feel free to contact our office.

Sincerely yours,

  
David L. Pope, P.E.  
Chief Engineer

DLP:dr  
Enclosures

5. Comment acknowledged. Permits will be sought if necessary.



## KANSAS GEOLOGICAL SURVEY

1930 Constant Ave., Campus West  
The University of Kansas  
Lawrence, Kansas 66047-3726  
phone 785-864-3965  
fax 785-864-5317

JAN 25 2000

54

January 23, 2000

Stephen Miller  
Superintendent  
National Park Service  
Tallgrass Prairie National Preserve  
P.O. Box 585  
Cottonwood Falls, KS 66845

Dear Mr. Miller:

I have examined the Draft General Management Plan and Environmental Impact Statement for Tallgrass Prairie National Preserve. In general, the document appears to cover well the diverse character and future interests for the area. The following comments relate to the hydrogeology and water quality of the area and are meant to supplement information for the plan and statement.

#### Springs and seeps

The seeps and springs of the Preserve are a particular characteristic of the Flint Hills and therefore the type of prairie in the Preserve. The alternating layers of shales and limestones that underlie the area provide a system of several water-bearing zones. The fractures in the limestones contain water and allow its subsurface movement. The fractures have been widened through geologic time by dissolution of the limestone by the flowing water. The shales are less permeable and separate the water-bearing zones, although the shales are fractured enough to allow very slow movement of water from one limestone unit to another. The erosion of the land surface of the Flint Hills to produce pronounced hills and valleys results in a land form that intersects the water bearing zones and creates the conditions under which the water in the limestones can discharge to the surface to form springs and seeps. The limestones are not thick and do not occur in a more humid environment as in Missouri, therefore cave systems in the Flint Hills are much rarer than in Missouri and the size of springs smaller. However, the springs and seeps provide a special environment in the landscape because they often provide a perennial source of water at the surface during conditions when the rest of the land surface is dry. This allows a different local ecosystem to develop.

One of the characteristics of springs that adds to the diversity of the ecosystem is that the variation in water temperature of spring water is much less than air temperature. In general, the larger the seep or spring flow and the lower the spring is on a hill in the Flint Hills, the smaller the variation in water temperature throughout the year. The spring temperature varies about the average air temperature. Thus, the spring water is warmer than the air temperature in the winter and cooler than the air in the summer. The warmer temperature of spring water than of the air in

#### **#54 - Kansas Geological Survey**

Thank you for your comments. We have added the Oil and Gas Conservation Division of the Kansas Corporation Commission to the distribution list for the final General Management Plan and Environmental Impact Statement.



the winter often supports selected plant life through the winter period. During the summer, the cooler and constant water source again provides diversity to the local ecosystem.

Page 30 of the document indicates that stock ponds found to be of low value based on evaluation may be removed. Many ponds in the Flint Hills were built at locations where there were seeps or springs to help provide water for the surface water body. Therefore, action to remove low value ponds would help reestablishment of the natural character of the prairie by restoring the original spring environment.

Staff of the Kansas Geological Survey (Rex Buchanan and Robert Sawin) have worked with an independent geologist (Wayne Lebsack) to produce two publications that may be of interest to those evaluating the natural resources of the Preserve. These would be worth adding to the bibliography in the Preserve document.

Buchanan, R.C., R.S. Sawin, and W. Lebsack, 1998. Kansas Springs. Kansas Geological Survey, Public Information Circular 11, Lawrence, KS.

Sawin, R.S., R.C. Buchanan, and W. Lebsack, 1999. Flint Hills Springs. Kansas Academy of Science, Transactions vol. 102 (1-2): 1-31.

#### Agency listing for review and comment

Page 119 lists agencies and organizations to which the Preserve document was sent for review and comment. The Oil and Gas Conservation Division of the Kansas Corporation Commission is missing from this list. It is important to include this agency in your planning and management activities because they are responsible for making sure the oil and gas operations on the Preserve property follow the regulations protecting the environment. For example, there are regulations regarding the disposal of the saltwater that accompanies the oil pumped from a well. In Kansas, the amount of saltwater in the fluid pumped from an oil well is typically over 90%, the amount of oil is only several percent of the total fluid. The saltwater is separated from the oil and carried by pipes buried in the soil or by a tank truck to a disposal well where the saltwater is either injected or allowed to flow by gravity to the deep subsurface.

The following is contact information for the Oil and Gas Conservation Division:

Maurice Korphage, Director  
Oil and Gas Conservation Division  
Kansas Corporation Commission  
130 S. Market Street, Suite 2125  
Wichita, KS 67202-3802  
Phone: (316) 337-6200  
Fax: (316) 337-6211  
E-mail: m.korphage@kcc.state.ks.us

I hope that the above information will be of value to you. Best wishes in your endeavors to manage the National Preserve.

Comments

Responses

Sincerely,



Donald Whittemore  
Chief, Geohydrology Section

C: Lee Allison, Director  
William Harrison, Deputy Director  
Rex Buchanan, Associate Director for Public Outreach

Comments

Responses

PER 20 0000 00120

TALLGRASS PRAIRIE NPRES

*received 2/11/00 (65)*



STATE OF KANSAS  
KANSAS DEPARTMENT OF WILDLIFE & PARKS



Region 4 Office  
6232 E. 29th North  
Wichita, KS 67220  
316/683-8069 FAX 316/683-4654

February 8, 2000

Steve Miller  
P.O. box 585  
226 Broadway  
Cottonwood Falls, KS 66845

Dear Mr. Miller,

The General Management plan and Environmental Impact statement concerning the Tallgrass Prairie National Preserve provides excellent direction and framework for the management of the preserve.

Because less than four percent of the tallgrass prairie ecosystem remains in North America, of which the majority is in Kansas, it is extremely important that the management activities lead to the enhancement and preservation of this tallgrass prairie ecosystem. The preferred alternative management plan (proposed action) successfully integrates the management of the natural and cultural resources of the preserve. This alternative will preserve, protect and interpret for the public a remnant of the tallgrass ecosystem.

Even though the preserve would not be managed as a research facility under this proposal, it would be beneficial to utilize the research conducted by other agencies and at other facilities mentioned in the preferred alternative. Because many of the large carnivores have been extirpated, hunting or controlled reduction should remain an option. The overpopulation of whitetail deer would be the primary concern. By devoting more grazing areas to bison and establishing the burn units as described in the proposed action, the management of the area will lead to increased biodiversity of the Tallgrass Prairie National Preserve.

In the past, the prairie has a long history of misunderstanding. Many early settlers described the area as barren and depressing. Today many people have a similar view of tallgrass ecosystems. The Tallgrass Prairie National Preserve can provide many with the opportunity to experience a tallgrass prairie ecosystem firsthand. The proposed management plan would provide management, education and interpretation of the tallgrass ecosystem, and therefore provide the public with an exposure that enhances understanding and appreciation of the tallgrass ecosystem.

Thank you for the opportunity to provide these comments and recommendations.

Attachment A contains some thoughts on elk and pronghorn restoration in the Flint Hills

Sincerely,

Ken McCloskey, Acting Region 4 Fish and Wildlife Supervisor

#65 - Kansas Department of Wildlife and Parks

Thank you for your comments.

FEB 13 2000 4:40 PM

ILLINOIS PRONGHORN NOTES

P. 03/87

## Attachment A

## Pronghorn and Elk Restoration in Kansas Flint Hills

The Kansas Department of Wildlife and Parks has experimented with restoration projects with both elk and pronghorn in the Flint Hills region of Kansas. Elk were released at Fort Riley, approximately 50 miles northwest of the Tallgrass National Monument. Pronghorn were released on private property approximately 15 miles southeast of the Tallgrass National Monument.

Pronghorn were released near the cattle pens exit of I 35. Public information programs were initiated before the release and landowner approval for the project was obtained before animals were released. Six releases with a total of 386 pronghorn have been made since 1978. Pronghorn dispersal from the release site was minimized by the combination of the physical features of the South Fork of the Cottonwood River, the Cottonwood Rivers, and a woven wire fence along I 35. Monitoring of the population revealed a gradual decline in the population. Radio telemetry studies conducted in conjunction with students at Emporia State University revealed that adult survival was adequate and reproduction was normal, however, fawn survival was inadequate to support a population. Predation, predominately by coyotes, was the ultimate cause of the low fawn recruitment. Fewer than 40 pronghorn survive at the present time at the release site. Pronghorn probably cannot survive in the Flint Hills region without periodic immigration of adult animals or focused predator control projects during the fawning period.

The elk restoration project began in February 1986 and continued until January 1994. In all, there have been 54 elk released at Fort Riley. The herd grew rapidly. Annual controlled hunting seasons were initiated in 1990 for adult bulls and in 1996 for antlerless elk. As of February 2000, 34 bulls and 63 antlerless elk had been removed from the herd by hunters and the herd was still estimated to be approximately 200 animals. Fort Riley is 102,000 acres and is situated between two large public land holdings at Milford and Tuttle Creek reservoirs, which reduces dispersal of elk and focuses the dispersal to the north, as opposed to all directions from the release site.

Landowner tolerance for big game is extremely volatile. Initially the landowners at the pronghorn release favored the project. However, a couple landowners became dissatisfied. One of the issues was pronghorn use of alfalfa and wheat fields in the winter and spring. The activism of some landowners dominated the future of management for pronghorn in the area. Initially the elk release was conducted on public land and the adjacent landowners were predominately interested in the project. However, as elk left the public land the expressed public sentiments changed. As a few people had experiences with elk in crops and had vehicle accidents that involved elk, the general public tolerance for elk decreased.

Both elk and pronghorn will wander from native vegetation at release sites in tallgrass prairie and will use agricultural areas. The economies of scale are such that landowners cannot expect to benefit from wild, free-ranging populations of pronghorn or elk in the Flint Hills region to the same extent as they envision suffering from the populations. Landowner tolerance for these species is currently inadequate for their management without intense population management efforts by public agencies, and is not recommended.



KANSAS  
STATE  
HISTORICAL  
SOCIETY

Cultural Resources  
Historic Preservation  
Office (ext. 240)

6425 S.W. 6th Avenue  
Topeka, Kansas  
66615-1099  
PHONE# (785) 272-8681  
FAX# (785) 272-8682  
TTY# (785) 272-8683

KANSAS HISTORY CENTER

Administration  
Center for Historical Research  
Cultural Resources  
Education / Outreach  
Historic Sites  
Kansas Museum of History  
Library & Archives

HISTORIC SITES

Adair Cabin  
Commission Hall  
Cottonwood Ranch  
First Territorial Capitol  
Fort Hays  
Goodwin House  
Greiner Place  
Hollenberg Station  
Kaw Mission  
Marzio Jes. Cygnus Mission  
Moccasin Creek Battlefield  
Native American Heritage Museum  
Pawnee Indian Village  
Pawnee Rock  
Shawnee Mission

697

January 5, 1999

Dena Sanford  
Architectural Historian  
National Park Service  
Midwest Support Office  
1709 Jackson Street Floor 4  
Omaha, Nebraska 68102-2571

Dear Ms. Sanford:

Our office has reviewed the General Management Plan for the Tallgrass Prairie National Preserve and is generally supportive of the preferred alternative.

We appreciate the opportunity to comment on the GMP and look forward to reviewing future Tallgrass Prairie National Preserve reports.

Sincerely,

Ramon Powers  
State Historic Preservation Officer

#69 - Kansas State Historical Society

Thank you for your comments.



JAN 10 2000



Cooperative Extension Service  
 K-State Research and Extension  
 Chase County  
 Courthouse Square  
 P.O. Box 100  
 Cantonwood Falls, KS 66845-0100  
 316-273-6491  
 fax: 316-273-6617

21

January 10, 2000

Steve Miller,

I'm offering this letter in support of the preferred alternative for the General Management Plan for the Tallgrass Preserve.

A lot of work and expense has gone into the development of this plan, and you, your staff, and your committees are to be commended for their efforts.

Please consider the following as reasons to accept the preferred alternative.

1. This alternative follows the legislative mandate "to preserve, protect, and interpret for the public" the tallgrass prairie ecosystem, and the historic and cultural values represented on the ranch.
2. This alternative tells the story of the prairie from pre-settlement through the early days of ranching to modern day practices demonstrating proper management and care of the prairie environment.
3. The preferred alternative has the potential to serve as an example of good resource stewardship and ultimately be a role model to all those who presently manage a part of the tallgrass prairie. This "ripple effect" will extend your efforts to "preserve and protect" beyond the boundaries of the preserve. By example, the preferred alternative, could have an impact on many more thousands of acres of tallgrass prairie.
4. Because the preferred alternative is comprised of several management concepts (buffalo, cow herds, yearling grazing, ungrazed areas) this plan will allow the prairie ecosystem to fully express its diversity.
5. This plan looks to be a good mix of prairie preservation and visitor access. Through this plan the prairie can be cared for and also fully utilized by the American public.

Chase County  
 Kansas State University  
 Agricultural Experiment  
 Station and Cooperative  
 Extension Service  
 K-State, County Extension  
 Councils, Extension Districts,  
 and U.S. Department of  
 Agriculture Cooperating  
 All educational programs  
 and materials available  
 without discrimination on  
 the basis of race, color,  
 religion, national origin,  
 sex, age, or disability.

*"Knowledge  
 for Life"*

**#31 - Kansas State University Cooperative Extension Service**

Thank you for your comments.



Comments

Responses

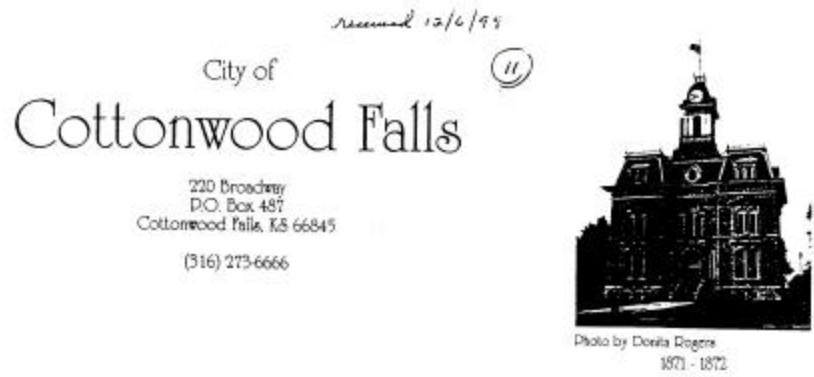
In closing, the preferred alternative is not a perfect plan, and several resource management concepts need to be refined. However, this is a workable management plan that will fit the community, the Flint Hills, and the legislative mandates and intent.

Please accept these comments in support of the preferred alternative.

Sincerely,



Michael S. Holder  
County Agent, Agriculture



December 06, 1999

Steve Miller  
Cottonwood Falls, KS 66845

Dear Steve,

I am writing this letter to show support for the management plan for the Tallgrass Preserve. I think it is an excellent plan that will show visitor many aspects of prairie life. I feel that a great deal of time and planning have gone into making this plan. It is now time to implement everyone's hard work.

I appreciate the time that has been taken to look at all aspects from everyone's point of view. I feel that this is the best plan for all concerned. I appreciate the objectivity that has been used in making the plan.

Thanks for your time and consideration.

Sincerely,



Mary Helen Bell  
Mayor

**#11 - City of Cottonwood Falls**

Thank you for your comments.



JAN 27 2000

63

# Audubon of Kansas

Steve Miller  
Superintendent  
Tallgrass Prairie National Preserve  
National Park Service  
PO Box 585  
Cottonwood Falls, KS 66845

January 25, 2000

Dear Mr. Miller and Members of Planning Team:

The purpose of this letter is to formally comment on behalf of Audubon of Kansas on the Draft General Management Plan/Environmental Impact Statement for the Tallgrass Prairie National Preserve.

Unfortunately, this Draft General Management Plan for the Tallgrass Prairie National Preserve fails to meet the prairie and wildlife restoration expectations of many of our members and many of those who commented earlier on the alternative management plans previously outlined. This fact is particularly evident when the plan is viewed in light of the public comments received by the National Park Service. The reports "Analysis of Public Comments to the Draft Preferred Management Alternative for Tallgrass Prairie National Preserve" of May 27, 1999 and "Content Analysis of Public Input for the Development of the General Management Plan of the Tallgrass Prairie National Preserve: AN UPDATE" of July 1, 1998 reveal that the respondents requested that the plan place more

1. emphasis on prairie preservation, reintroduction of native wildlife species, expansion of bison introduction area, while asking that there be less emphasis on cattle grazing on the Preserve. Collectively, a majority of the public comments received by the National Park Service previously expressed support for the alternative(s) that would have devoted a large area to reintroduction of "native ungulates as the dominant grazers" and use of other complementary management strategies to enhance prairie diversity.
2. The draft management plan should be redesigned to place much more emphasis on restoration of the native flora and fauna, and less on conventional cattle grazing operations.
3. Unfortunately, this Draft General Management Plan devotes less than one tenth of the property within the preserve to reintroduction of bison. The plan prematurely and inappropriately eliminates the possible reintroduction of pronghorn antelope or elk from further study. They were the other prominent native grazers that were found on the Kansas prairie prior to settlement. Supporters of the preserve have long envisioned restoration of native wildlife on a substantial part of the preserve. An opportunity to see bison, elk, pronghorn antelope and other wildlife in a natural prairie landscape would be one of the most significant attractions for visitors to the preserve in the future.

## #63 - Audubon of Kansas

1. Public comments, along with existing scholarly and scientific information, new information developed during and for the planning effort, information obtained during consultation, and the professional judgement of planning team members and consultants were all used to develop and refine the preferred management alternative. It is also important to note that the public comments that were received were offered on a self-selected basis. It is not the result of a scientifically rigorous process.
2. The focus of the preferred alternative is on incorporating the key processes, fire and grazing, to increase the abundance of dominant native species, maintain characteristic populations of rare species and key functional groups, and to reduce or eliminate exotic species. This would be achieved in part through the use of fire and different grazing regimes in various combinations that vary over time and location creating a dynamic and heterogeneous landscape. In addition, visitors would then have the opportunity to experience the preserve and prairie landscape.
3. The commentor is referred to the correspondence from the Kansas Department of Wildlife and Parks and to #2 above. While acknowledging that the spatial and temporal patterns of grazing and their impacts differ between cattle and bison, detailed and controlled studies on the impacts to plant species composition have not been completed.

Comments

Responses

The diverse natural heritage of the Kansas prairie, and the opportunity to interpret and share it with the visiting public on the preserve will be short changed by this draft plan. Visitors who want to see bison and elk on the same prairie landscape will need to travel on to the Maxwell Game Preserve near McPherson or to the Prairie State Park near Joplin, Missouri. The nearest unit of the National Park system where the public can consistently see pronghorn antelope is in South Dakota. Although the Kansas Department of Wildlife and Parks restored a small population of pronghorns to an area northeast of Matfield Green twenty years ago, they are on private land in an area largely inaccessible and are seldom seen by the public.

The assumptions made to justify elimination from further study the possible reintroduction of pronghorn antelope and/or elk appear to be based on inadequate scientific information. In fact, only a single conversation with a biologist with the Kansas Department of Wildlife and Parks (i.e. Sorensen) is cited. Additional information and alternative management strategies need to be considered. Although the pronghorn antelope population reintroduced in the southeastern part of Chase County has not increased consistently or substantially over the years, a small population continues to exist, and it is conceivable that a similar population could exist as well on the 8,000 acre prairie landscape on the preserve west of Highway 177. Although the other populations of pronghorn antelope in Kansas are impacted by illegal shooting, this mortality factor would probably be minimal on the Preserve. In addition, further study may reveal that owners and operators of adjacent property might be receptive to reintroduction--thus, eliminating the perceived obstacle projected in the plan regarding the likelihood that the animals may move back and forth across property lines through existing fences. This, by the way, occurs on virtually all units of the National Park System that have pronghorn antelope (e.g. Badlands, Theodore Rossevelt, Grand Teton, etc.).

It has also been demonstrated that an elk herd can be maintained on habitat similar to that contained on the Preserve--in fact with a much smaller acreage at the Maxwell Game Preserve near Canton, Kansas. It may be just as feasible to start with and maintain a disease free elk herd as it is to do the same with bison. If this objective can be accomplished by the Missouri Department of Natural Resources at the Prairie State Park near Joplin, it can be managed by the National Park Service at the Tallgrass Prairie National Preserve in Kansas. To discard the possibility of further study for the potential future reintroduction of pronghorn antelope or elk on the Preserve will short change the opportunity to restore a representative example of the Tallgrass prairie ecosystem within the National Park System.

Bison, elk, pronghorn antelope and other wildlife are important elements not only for their role within the Tallgrass prairie ecosystem, but also in meeting the expectations of visitors. A failure to recognize and address this expectation may greatly diminish the economic potential of the preserve in generation of tourism revenue to surrounding communities and the state of Kansas

4.

We endorse the concept of an interpretative focus on the legacy of ranching on lands associated with the historic Spring Hill (Z-Bar) ranchstead. However, the draft plan being proposed would obligate approximately nine thousand acres to pasture management with cattle. This would be similar to range management practices employed on several million acres of private land in the Flint Hills.

5.

Although cattle grazing is a most appropriate enterprise for private land--and an economic use that makes it possible for landowners to maintain native

- 4. Visitors will come to the preserve for a variety of reasons related to the natural and cultural resources and access for public use. The preferred alternative would result in an increase in the number and variety of native wildlife species and offer visitors greater opportunities overall to enjoy wildlife. Analysis of the impacts of the preferred alternative to the socioeconomic environment supports a general conclusion that the local economy would benefit.
- 5. The commentor is again referred to #2 above. The plan proposes to use fire and grazing in arrangements unlike the ones now used in the majority of the area around the preserve. Currently, most of the prairie around the preserve is burned completely and annually during the spring. While other grazing regimes are used, a regime of early, intensive stocking is common. The result of the Preferred Alternative will be a dynamic mosaic, not the largely homogenous landscape found now.

Comments

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grasslands--other resource values should be given priority on a large proportion of the preserve. It is a Tallgrass Prairie National Preserve, not a national grassland with permanent grazing allotments.

- 6. We recognize that the existing private grazing lease should be incorporated into the planning protocol, and honored until it can be acquired. It may have been an important element of National Park Trust funding for the acquisition of the property. With that in mind we are indebted to both the Trust and to the leaseholder. However, the plan for the Tallgrass Prairie National Preserve should look beyond the immediate restraints of the lease and project the long established national vision as the long term plan for the preserve. Management emphasis for most of the preserve should be on re-establishment of native plant and animal communities.

It must also be recognized that the grazing lease has the potential to greatly restrict management options for the Preserve. Nothing can be changed without the approval of the Trust and the enterprise that holds a long term lease on the property, and any change may require a substantial payment to the leasee to buy back portions of the lease. It is obvious that the lease is and has been a potential barrier to many management options. Extensive public resources are and have been devoted to this planning process and will be expended to implement the plan, yet the public is precluded from seeing the lease. The public should be apprised of what the financial obligation would be to retire (buy out) the lease on an acre by acre basis at any time over the 35 year life of the lease. It has not even been available to the Advisory Committee. Because of its potential influence on every aspect of the process, including selection of the Preferred Plan, the lease should be made a part of the public record and included in the Environmental Impact Statement. There is no compelling reason for it to be hidden from public scrutiny to determine if, in fact, it has an influence on the plan. There are no compelling reasons why the public should not be able to see the lease and know what restraints, contractual or implied, are imposed on management options available to the National Park Service and/or the National Park Trust.

- 8.
- 9.

Consider, for example, if there was a lease to extract minerals below ground under Yellowstone, the public reaction would demand disclosure of the lease to determine if the thermal resources would be affected. The flora and fauna of the Tallgrass Prairie National Preserve are the primary resources of this unit of the National Park System, and requirements for livestock grazing and burning can have a dramatic impact on which species thrive and which species are diminished.

- 10. At present the property is operated under a grazing lease that involves annual spring burning of virtually all of the native grassland on the ranch, followed by intensive early season grazing (grazing at double the normal stocking rate for the first three months of the growing season). This grazing strategy essentially eliminates nesting and brood habitat for most grassland birds like the greater prairie chicken. Although intensive early season stocking is increasingly used with success by producers to maximize beef gains on a per acre basis on private pasture lands in the area, traditional practices with lower stocking rates and longer intervals between burning would be more favorable for wildlife on the preserve.
- 11. With the exception of the major overarching flaws outlined above--a failure to adequately plan for the restoration of native wildlife populations--we believe that

- 6. The desired futures that appear on pages 10-12 provide the long term vision for the preserve. The preferred alternative describes what is reasonably expected for the life of this general management plan.
- 7. Comment acknowledged. Public Law 104-333 defines the purposes for the preserve. One of those purposes is the preservation, protection, and interpretation for the public of an example of a tallgrass prairie ecosystem. The other purpose is the preservation and interpretation for the public of the historic and cultural values represented on the Spring Hill Ranch.
- 8. The GMP/EIS acknowledges the existing grazing lease, as well as the oil and gas lease, as an existing condition. Implementation of any action alternative, including the Preferred Alternative, would require the buyback of at least some portion of the current lease.
- 9. The lease is a private contractual agreement between the National Park Trust and the leaseholder. Release of information regarding the lease would be at the discretion of the NPT and the leaseholder.
- 10. Comment acknowledged. The commentor is referred to Page 26, and the discussion on the relationship between National Park Service and National Park Trust, and Page 92, Existing Special Uses regarding aspects of the lease and NPT's current management objectives.



Comments

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the Park Service team did an excellent job of planning most other important elements of the preserve. This includes preservation of the historic 1880s ranchstead, and incorporation of an interpretative and management emphasis on the legacy of ranching by utilizing the ranchstead and associated lands for this purpose. I compliment the planning team for the Flint Hills Ranching Legacy element of the plan and for focusing on that subject in the area associated with the ranch house, barn, other historic buildings and the adjacent fields which were once cultivated. Emphasis on the cultural resources in this area deserve the priority afforded them in the draft plan. Retaining the ranching character of the historic Z-Bar/Spring Hill Ranch headquarters, establishment of historic breeds of domesticated livestock, and use of historic crops to help interpret the agricultural and ranching heritage of this area will significantly contribute to the success of the Preserve.

We are also pleased with plans to restore native plant communities to some of the fields along Fox Creek. The concepts emerging to accommodate visitor access to the property are applauded.

We are grateful for the widespread Kansas and national support that the Preserve has received, and for the support of local communities. We are confident that the Preserve can become one of the most important "destinations" for travelers within Kansas and for visitors to the state.

Please continue to improve the Draft General Management Plan for the Tallgrass Prairie National Preserve, America's only opportunity to recreate and preserve a tallgrass prairie ecosystem within the National Park Service preservation system.

Sincerely,



Ron Klataske  
Executive Director  
Audubon of Kansas  
813 Juniper Drive  
Manhattan, KS 66502

11. We believe the subject of "restoration of native wildlife populations" has been adequately treated for the scope of the General Management Plan. Detailed discussions regarding the feasibility of introducing animal species (bison will be addressed in a Bison Management Plan, GMP, page A-5) are beyond the scope of this plan. Some species, such as elk and pronghorn antelope, are discussed on page 32 of the GMP and within an attachment to the Kansas Department of Wildlife and Parks comment letter dated February 8, 2000. This letter discusses concerns that "Landowner tolerance for these species is currently inadequate for their management without intense population management efforts by public agencies, and is not recommended." Consideration of other species would depend on their historic range, public controversy, land area and home range, and other issues too detailed for the General Management Plan.



*received 12/13/99*

(18)

December 8, 1999

Superintendent  
Tallgrass Prairie National Preserve  
P.O. Box 585  
Cottonwood Falls, KS 66845

Dear Superintendent:

I appreciate very much your forwarding a copy of the draft General Management Plan and Environmental Impact Statement for the Tallgrass Prairie National Preserve to me. I have read this document in its entirety and have a few comments that I would like to share with you. I have a special interest in the Flint Hills and have many fond memories of growing up hiking through the hills in search of adventure. An uncle of mine was a cowboy at the Z Bar ranch and I thoroughly enjoyed the time that he toured us through the backcountry.

I have also recently had the opportunity to review the draft regulations for proposed changes to the management of the grasslands of North Dakota and found your draft to be very refreshing. The North Dakota plan included an environmental impact statement that approaches the absurd in its length and scope. Your document proved to be very readable and easy to understand, while the afore-mentioned document is composed of a two foot tall pile of paper that provides the reader an excellent change of dying of boredom before finally mulling through it. My compliments to the drafters who saw fit to keep this document in its clear and concise form.

After carefully reviewing this document I find myself whole-heartedly supporting the Preferred Alternative (Proposed Action). I believe that this alternative will provide the most balanced approach to preserving and interpreting the overall site. Some of the key points that I would like to support are:

1. Backcountry access should be allowed-with the ever-increasing popularity of backpacking and hiking, a large portion of the area should be open for non-vehicular backcountry use. I utilize our nearby Theodore Roosevelt National Park for backpacking and hiking and agree with their approach to ensuring that the backcountry is not too extensively damaged by human activities. Some of the regulations imposed are no open fires (stoves only), no established backcountry campsites (disperses tent sites and reduces impactation) and no mountain biking.

### #18 - Dakota Zoo

Thank you for your comments.



2. Prescribed burns are necessary-evidence shows that burning the prairie is both beneficial and natural for the grasslands and most animal life as well. I particularly like the idea of setting aside areas which would not be burned which would provide continued nesting areas for certain birds, amphibians and reptiles.

3. The establishment of a bison herd-this is once again a natural player in the prairie ecosystem and it would also provide for increased benefits for wildlife viewing for visitors. The thought of utilizing handling facilities for both bison and cattle is wise.

I also believe that at some point in the future it might be well to allow a horseback ride concession in the preserve to allow visitors to become more immersed in the prairie experience. This is available in the Theodore Roosevelt National Park and is very popular. I think it also helps to allow people to better understand the western way of life and also appreciate nature as a whole by "doing something" in it.

I appreciate the opportunity to comment on the future management of the Tallgrass Prairie National Preserve. I wish you the best of luck in implementing the plan for this area and would be glad to assist in any area which you might wish to have the help of one who enjoys nature and wants to see it preserved.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry Lincoln".

Terry Lincoln  
Zoo Director

received 12/2/99  
**Open House Comment Sheet** (5)

The purpose of these open houses is to discuss and solicit comments from you regarding the Draft General Management Plan (GMP) and Environmental Impact Statement (EIS) for the Tallgrass Prairie National Preserve. Comments regarding any portion(s) of the document would be very helpful and will be considered by the planning team as the GMP/EIS is finalized in the coming months.

Comment sheets can be placed in the drop-off box during this open house, or can be mailed to: Superintendent, Tallgrass Prairie National Preserve, P.O. Box 585, Cottonwood Falls, KS 66845. If mailed, the comments should reach the National Park Service by January 18, 2000. Thank you for your interest in Tallgrass Prairie National Preserve!

Comments (Use back and/or additional sheets if necessary)

*I am impressed with the extent of background data, collection of concepts and priorities from a broad spectrum of peoples, and collection of all of this information into a reasonable GMP. Representing concern of the Grassland Heritage Foundation, I place a high priority upon natural resources, such as grasses, plants & animals, water sources, etc. I also appreciate the significant cultural aspects of this tract of land - and what they mean to all of us. Prevention of overgrazing and prevention of cattle/ranching monopolies and "factories" are also concerns. Thank you!*

NAME: *FRANCIS E. (PETE) CUPPAGE, M.D.*

REPRESENTING (IF ANY): *President - Grassland Heritage Foundation*

ADDRESS: *4740 Black Swan Dr.*

CITY, STATE, ZIP: *Shawnee, KS 66216-1235*

The National Park Service is required to make comments, including names and home addresses of the commenters, available for public review. Private individuals may request that we withhold their name and home address from the planning record. If you wish us to withhold your name and address, please check this box: We will honor your request to the extent allowable by law. All submissions from organizations or businesses and from persons identifying themselves as representatives or officials of organizations or businesses will be available for public review in their entirety. We can not consider anonymous comments.

**#5 – Grasslands Heritage Foundation**

Thank you for your comments.

Comments

Responses



Comments

Responses

Author: NPS WebMaster <paul\_bandy@nps.gov> at nps--internet  
Date: 01/18/2000 5:03 PM  
Normal  
Subject: Web Form Submission

41

----- Message Contents

Web Form Responses from the following file:  
<http://www.nps.gov/tmpr/gmpcont.html#comments>: The Kansas Chapter of The Wildlife Society applauds your efforts on the excellent Draft General Management Plan. We are very pleased about the ideas relative to the addition of bison and the possible reduction of farm ponds where appropriate. We prefer Alternative E over all the options because it seems to have the best mix of possibilities and has limited overnight use. The latter could be a potential nightmare. Our support after Alternative E is weak, but our next preference is for the Preferred Alternative, which we suggest has a much greater emphasis on cattle than we would like to see. While we are very supportive of the ranching community, our support for this option is weaker. We are opposed to Alternative B. We think there is too much intended use of the site with that alternative.

We acknowledge the daunting task you face because one area the size of TPMP cannot or any size for that matter cannot replicate all the tallgrass ecosystem nor can it contain all the activities of the tallgrass prairie and cultural activities associated with the prairie.

name and address: Elmer J. Finck  
Kansas Chapter of The Wildlife Society  
Division of Biological Sciences  
Box 4050  
Emporia State University  
Emporia, KS 66801-5087  
organization: Kansas Chapter of The Wildlife Society  
207 Cheyenne  
New Strawn, KS 66839  
representative: YES  
withhold: NO

#41 - The Wildlife Society, Kansas Chapter

Thank you for your comments

## Citizen Comments

Input received from citizens included many excellent comments and recommendations. Many letters, however, contained similar comments or repeated comments received from organizations or other government agencies. Therefore, as allowed under federal regulations for preparing final environmental impact statements, the most frequent substantive comments are summarized and responded to below. Other comments received from citizens are answered as part the responses to agency and organization comments on the pages that follow. All comments were analyzed by the NPS planning team in preparing the final plan and environmental impact statement.

### Cultural Resources Issues

Comment: Commentors expressed varying opinions about the appropriate period of historical significance for the preserve.

Response: Clarification of one or more periods of significance has been addressed under the discussion of the "Preferred Alternative," page 29. A definition of the term "period of significance" has been added to "Appendix 7--Definitions." Determining periods of significance at local, state or national levels includes development of professionally researched and prepared historical contexts. It applies National Register of Historic Places criteria to evaluate the ability of existing cultural resources to represent such contexts.

Comment: Commentors expressed concern regarding the potential removal of various structures or other elements on the cultural landscape. Others advocated removal of certain elements associated with the cultural landscape.

Response: Certain 20<sup>th</sup> century resources have been determined through professional evaluations to be significant for representing the state and local history of cattle ranching in the Flint Hills, and are eligible for listing on the National Register of Historic Places. Preservation and interpretation of these and the nationally significant resources are clearly identified in the mission and significance statements for the preserve. Specific proposed actions to the preserve's historic cultural resources will be developed out of future planning documents, such as cultural landscape reports, historic structure reports, and resource management plans. A reasonable opportunity for comment by the State Historic Preservation Office, the Advisory Council on Historic Preservation, and interested parties shall be provided for any activities that may affect the preserve's historic cultural resources. This is mandated by Section 106 of the National Historic Preservation Act that requires such review for proposed actions which have the potential to affect resources listed on or eligible for the National Register, and that involve or are under the jurisdiction of federal agencies.

### Natural Resources Issues

Comment: Concern was expressed about the elimination of dams and ponds.

Response: No specific dams or ponds are the target of removal. The plan does call for the evaluation of such areas based on specific criteria outlined on page 30 of the General Management Plan. It also states "Some stock ponds found to be of low value based on this evaluation may be removed and, where feasible, the areas restored to prairie."

Comment: Concern was expressed about the use of an early intensive grazing regime.

Response: The plan does not call for complete removal of early intensive grazing as a management action. However, under all alternatives the direction is to maintain and enhance the tallgrass prairie in part through the use of historic and contemporary grazing regimes (GMP page 24). Additionally, while some divergent opinions exist regarding early intensive grazing and plant diversity, it has been shown to be a productive grazing system for Flint Hills ranches where diversity is not of paramount concern. (NPS 1998 Enhancement Report)

Comment: Concern was expressed that too much area was being considered for ranching activities and that more area should be devoted to restoration of prairie ecosystem, especially bottomland prairie.

Response: Page 29 of the GMP discusses one of the fundamental ideas that form the basis of the Preferred Alternative: "to preserve, protect, and interpret for the public a remnant of the once vast tallgrass prairie ecosystem." While the size of the four management areas and the actions associated with each has elicited a series of widely varied comments, the actions recommended for this GMP remain focused on the fundamental idea of preserving and protecting the tallgrass prairie within the preserve. Additionally, restoration of the land along Fox Creek is recommended to allow for the establishment of rare bottomland prairie communities.

Comment: Concern was expressed about how the existing grazing lease might affect public access to the preserve.

Response: All ungulate uses of the preserve will involve reasonable limitations on access to the portions of the preserve being grazed, for obvious reasons of public safety and to avoid undue interference with commercial and non-commercial grazing operations for cattle and bison. The preserve landowner believes the Bass lease contains satisfactory assurances for public access to permit accomplishment of the main objectives of the GMP. The Bass lease also contains provisions allowing the lessor to exclude portions of the preserve from grazing.

Comment: Some commentors expressed concern about the potential introduction of grizzly bears or wolves to the preserve. Other commentors advocated introduction of elk, pronghorn antelope, or prairie dogs.

Response: Detailed discussions regarding the feasibility of introducing animal species are beyond the scope of this plan. Some species, such as elk and pronghorn antelope, are discussed on page 28 of the GMP and within an attachment to the Kansas Department of Wildlife and Parks comment letter (in this section) dated February 8, 2000. Consideration of other species would depend on their historic range, public controversy, required acreage, and home range.

Comment: There was diverse opinion about what grazing animals should or should not be allowed on the preserve. Some commentors wanted only bison; others wanted no bison at all. Other commentors suggested the proposed size of the initial bison herd is too small. Still other commentors advocated that all cattle be removed, and suggested that cattle on the preserve is inconsistent with the park's enabling legislation and the intent to allow for prairie restoration.

Response: As stated on page 24 of the GMP, the home range requirements for native species, the limited area of the preserve, and lessons learned from the Kansas Department of Wildlife and Parks (February 8, 2000 comments on GMP), led the team to recommend considering only bison as an introduced species for the duration of this planning effort.

Specific concerns over bison introduction such as density, area, and rationale for such action will be discussed in detail within the Bison Management Plan described on pages 34 and appendix 2 of the GMP. Public participation will be an integral part of the planning process. The National Park Service believes that continued grazing of cattle on the preserve is consistent with Public Law 104-333, and can contribute to the heterogeneous management strategy necessary to establish and maintain a healthy prairie ecosystem.

Comment: Commentors expressed a desire to view true "tall grass."

Response: Fields associated with the Fox Creek riparian area will be restored to bottomland prairie with species common to deeper soils and wetter sites which would allow for the expression of tallgrass species ranging in height from six feet (1.83 meters) or more. (GMP, page 24)

Comment: The suggestion was offered that the preserve be designated as "wilderness"

Response: The term "designated wilderness" implies specific management directions and restrictions under the Wilderness Act that would run counter to the legislation authorizing the preserve. So long as the land is privately owned and the owner has a lease agreement with another private party to allow rangeland use, the area does not qualify for "wilderness" designation.

Comment: One commentor urged restoration of spring/seep habitat.

Response: Springs, seeps, and their associated streams would be provided additional protection if found to contain unique or rare native plant or animal species. (GMP page 30) Additionally, the 1998 National Park Service Enhancement Report recognizes those areas as "hot spots" for biodiversity on the prairie landscape.

### **Visitor Services/Visitor Use Issues**

Comment: A suggestion was offered that 1870s cowboys be portrayed through a "living history" exhibit.

Response: The preserve's enabling legislation calls (in part) for an emphasis on the ranching legacy of the Flint Hills. It is assumed that the ranching legacy will include the history of cowboys working on the ranch during the designated period of significance. Details on cowboy history and their story will be developed further in the Comprehensive Interpretation Plan.

Comment: One commentor questioned the rationale for excluding Deer Park Place as an interpretive site.

Response: Though portions of the former Deer Park Place are included within the boundaries of the preserve, the main house remains in private ownership. It would not be feasible to include the entire group of buildings as a visitor or interpretive site. Reference to the ranch and its historic relationship to the rest of the preserve will be developed further in the Comprehensive Interpretation Plan.

Comment: A recommendation was made that modern ranching be interpreted in addition to historic ranching.

Response: The preserve's enabling legislation calls for (in part) an emphasis on the ranching legacy of the Flint Hills. It is assumed that the ranching legacy will include the history of ranching

during the entire period of significance as suggested in the Historic Resource Study. Details on ranching history will be developed further in the Comprehensive Interpretation Plan.

Comment: A number of comments were received supporting broad public access to the preserve. A few comments recommended very limited access. Many commentors advocated that one or more recreational activities be provided for on the preserve. Some included specific recommendations about where recreational activities should or should not occur.

Response: Commentors are referred to the description of the preferred alternative, and to actions common to all actions alternatives, for an explanation of the types of visitor activities, facilities, and modes of access that will be provided for by this GMP. A prescription found under the actions common to all action alternatives has been edited to clarify the types of activities that are appropriate for the preserve:

"A variety of visitor activities and facilities, appropriate for a national preserve, would provide for a range of opportunities, time commitments, and levels of physical exertion. 'Appropriate' is defined as an activity or facility that (1) is consistent with the purposes for which the preserve was established, (2) has no more than nominal impact on the natural and cultural resources of the preserve, and (3) does not conflict with another appropriate visitor use."

Comment: One person wanted assurances that bison would be accessible to visitors.

Response: Page 34 of the GMP states that visitors would be able to see bison in a tallgrass setting and to observe their effects on the prairie.

### Miscellaneous Issues

Comment: A suggestion was made that as many existing roads within the preserve as possible be eliminated.

Response: The commentor is referred to the Preferred Alternative, Preserve Wide guidelines 7 and 8 (Page 30) for a discussion on roads and the criteria for their continued use or removal. Also, see the last paragraph on Page 35 for the specific road management criteria for the Prairie Landscape Area, which includes road removal.

Comment: A citizen suggested that certain alternatives supported by the enhancement panel and the sustainable management panel were rejected and not reflected in the GMP.

Response: Public comments, existing scholarly and scientific information, new information developed for and during the planning effort, information obtained during consultation, and the professional judgement of planning team members and consultants were all used to develop the preliminary management alternatives and the preferred management alternative. The preferred was not one of the preliminary alternatives but evolved from them as a result of this comprehensive process.

The GMP planning team used the conclusions, recommendations, and conceptual models of the panels along with the other information outlined above to develop a range of practical and reasonable alternatives for the long-term management of the preserve, preservation of its resources, and development of visitor use and services.

Comment: Concern was expressed that State Highway 177 through the preserve is hazardous and needs to be widened.

Response: Safety concerns related to Highway 177 are acknowledged on page 78 of the plan. Planning for the future of the highway is beyond the scope of the GMP. However, the National Park Service will coordinate closely with the Kansas Department of Transportation to resolve deficiencies and provide for the safety of motorists and preserve visitors.

Comment: A suggestion was offered that mineral rights on the preserve be purchased.

Response: Public Law 104-333 limits Federal acquisition authority on the preserve to no more than 180 acres of real property and the improvements on the real property. Further, that land can only be acquired through donation. The NPS does not have authority to acquire mineral rights. The landowner, National Park Trust, may be able to acquire those rights if opportunities develop. Further, Section 1005(g)(3)(G) of the legislation states that the General Management Plan is to contain provisions to honor existing oil and gas leases within the preserve.

Comment: One commentor suggested that fund raising be used to develop funds to buy out the grazing lease.

Response: Though it is not an action element of the GMP, the National Park Trust currently is preparing a fund raising campaign; one objective of that campaign is to purchase those portions of the leases necessary to help ensure successful implementation of the plan