

104TH CONGRESS
1ST SESSION

H. R. 1449

To provide for the establishment of the Tallgrass Prairie National Preserve in Kansas, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 1995

Mr. ROBERTS (for himself and Mrs. MEYERS of Kansas) introduced the following bill; which was referred to the Committee on Resources

A BILL

To provide for the establishment of the Tallgrass Prairie National Preserve in Kansas, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Tallgrass Prairie Na-
5 tional Preserve Act of 1995”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) Of the 400,000 square miles of tallgrass
9 prairie that once covered the North American Con-

1 tinent, less than 1 percent remains, primarily in the
2 Flint Hills of Kansas.

3 (2) In 1991, the National Park Service con-
4 ducted a special resource study of the Spring Hill
5 Ranch, located in the Flint Hills of Kansas.

6 (3) Such study concludes that the Spring Hill
7 Ranch—

8 (A) is a nationally significant example of
9 the once vast tallgrass ecosystem, and includes
10 buildings listed on the National Register of His-
11 toric Places pursuant to section 101 of the Na-
12 tional Historic Preservation Act (16 U.S.C.
13 470a) which represent outstanding examples of
14 Second Empire and other 19th Century archi-
15 tectural styles; and

16 (B) is suitable and feasible as a potential
17 addition to the National Park System.

18 (4) The National Park Trust, which owns the
19 Spring Hill Ranch, has agreed to permit the Na-
20 tional Park Service—

21 (A) to purchase a portion of the ranch, as
22 specified in this Act; and

23 (B) to manage the ranch in order to—

1 (i) conserve the scenery, natural and
2 historic objects, and wildlife of the ranch;
3 and

4 (ii) provide for the enjoyment of the
5 ranch in such manner, and by such means,
6 as will leave such scenery, natural and his-
7 toric objects, and wildlife unimpaired for
8 the enjoyment of future generations.

9 (b) PURPOSES.—The purposes of this Act are as fol-
10 lows:

11 (1) To preserve, protect, and interpret for the
12 public an example of a tallgrass prairie ecosystem on
13 the Spring Hill Ranch, located in the Flint Hills of
14 Kansas.

15 (2) To preserve and interpret for the public the
16 historic and cultural values represented on the
17 Spring Hill Ranch.

18 **SEC. 3. DEFINITIONS.**

19 As used in this Act:

20 (1) ADVISORY COMMITTEE.—The term “Advi-
21 sory Committee” means the Advisory Committee es-
22 tablished under section 7.

23 (2) PRESERVE.—The term “Preserve” means
24 the Tallgrass Prairie National Preserve established
25 under section 4.

1 (3) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 (4) TRUST.—The term “Trust” means the Na-
4 tional Park Trust, Inc. (which is a District of Co-
5 lumbia nonprofit corporation), or any successor-in-
6 interest, subsidiary, affiliate, trustee, or legal rep-
7 resentative of the National Park Trust, Inc. that
8 possesses legal or equitable ownership or manage-
9 ment rights with respect to land and improvements
10 on land that constitutes any portion of the Preserve.

11 **SEC. 4. ESTABLISHMENT OF TALLGRASS PRAIRIE NA-**
12 **TIONAL PRESERVE.**

13 (a) IN GENERAL.—In order to provide for the preser-
14 vation, restoration, and interpretation of the Spring Hill
15 Ranch area of the Flint Hills of Kansas, for the benefit
16 and enjoyment of present and future generations, there
17 is hereby established the Tallgrass Prairie National
18 Preserve.

19 (b) DESCRIPTION.—The Preserve shall consist of the
20 lands, waters, and interests therein, including approxi-
21 mately 10,894 acres, generally depicted on the map enti-
22 tled “Boundary Map, Flint Hills Prairie National Monu-
23 ment” numbered NM-TGP 80,000 and dated June 1994,
24 more particularly described in the deed filed at 8:22 a.m.
25 of June 3, 1994, with the Office of the Register of Deeds

1 in Chase County, Kansas, and recorded in Book L-106
2 at pages 328 through 339, inclusive. In the case of any
3 difference between such map and legal description, such
4 legal description shall govern, except that if, as a result
5 of a survey, the Secretary determines that there is a dis-
6 crepancy with respect to the boundary of the Preserve that
7 may be corrected by making minor changes to the map
8 or legal description, the Secretary is directed to make such
9 minor changes. The map shall be on file and available for
10 public inspection in the appropriate offices of the National
11 Park Service of the Department of the Interior.

12 **SEC. 5. ADMINISTRATION OF NATIONAL PRESERVE.**

13 (a) IN GENERAL.—The Secretary shall administer
14 the Preserve in accordance with this Act, the cooperative
15 agreements described in subsection (f)(1), and the provi-
16 sions of law generally applicable to units of the National
17 Park System, including the Act entitled “An Act to estab-
18 lish a National Park Service, and for other purposes”, ap-
19 proved August 25, 1916 (16 U.S.C. 1, 2 through 4) and
20 the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461
21 et seq.).

22 (b) APPLICATION OF REGULATIONS.—The regula-
23 tions issued by the Secretary concerning the National
24 Park Service that provide for the proper use, management,
25 and protection of persons, property, and natural and cul-

1 tural resources shall apply within the boundaries of the
2 Preserve.

3 (c) FACILITIES.—For purposes of carrying out the
4 duties of the Secretary under this Act relating to the Pre-
5 serve, the Secretary may, with the consent of the land-
6 owner—

7 (1) directly or by contract, construct, recon-
8 struct, rehabilitate, or develop essential buildings,
9 structures, and related facilities including roads,
10 trails, and other interpretive facilities on real prop-
11 erty that is not owned by the Federal Government
12 and is located within the Preserve; and

13 (2) maintain and operate programs in connec-
14 tion with the Preserve.

15 (d) LIABILITY.—

16 (1) LANDOWNERS.—Notwithstanding any other
17 provision of law, no person who owns any land or in-
18 terest in land within the Preserve shall be liable for
19 injury to, or damages suffered by, any other person
20 who is injured or damaged while upon the land with-
21 in the Preserve if—

22 (A) such injury or damages result from
23 any act or omission of the Secretary or any offi-
24 cer, employee, or agent of the Secretary; or

1 (B) such liability would arise solely by rea-
2 son of the ownership by the defendant of such
3 land or interest in land and such injury or dam-
4 ages are not proximately caused by the wanton
5 or willful misconduct of the defendant.

6 (2) LIABILITY OF UNITED STATES AND OFFI-
7 CERS AND EMPLOYEES OF THE UNITED STATES.—

8 (A) Nothing in this subsection or in any other provi-
9 sion of this Act may be construed to exempt the
10 Federal Government, or any officer or employee of
11 the Federal Government, from any liability for any
12 act or omission for which the Federal Government,
13 or such officer or employee, as the case may be,
14 would otherwise be liable under any applicable provi-
15 sion of law.

16 (B) Nothing in this subsection or in any other
17 provision of this Act may be construed to impose on
18 the Federal Government, or any officer or employee
19 of the Federal Government, any liability for any act
20 or omission of any other person or entity for any act
21 or omission of such other person or entity for which
22 the Federal Government, or such officer or em-
23 ployee, as the case may be, would otherwise not be
24 liable under any applicable provision of law.

1 (e) FEES.—Notwithstanding any other provision of
2 law, the Preserve shall be considered a designated unit of
3 the National Park System, including for the purposes of
4 charging entrance and admission fees under section 4 of
5 the Land and Water Conservation Fund Act of 1965 (16
6 U.S.C. 4601–6a).

7 (f) AGREEMENTS AND DONATIONS.—

8 (1) AGREEMENTS.—The Secretary is authorized
9 to expend Federal funds for the cooperative manage-
10 ment of private property within the Preserve for re-
11 search, resource management (including pest control
12 and noxious weed control, fire protection, and the
13 restoration of buildings), and visitor protection and
14 use. The Secretary may enter into one or more coop-
15 erative agreements with public or private agencies,
16 organizations, and institutions to further the pur-
17 poses of this Act (as specified in section 2(b)), in-
18 cluding entering into a memorandum of understand-
19 ing with the appropriate official of the county in
20 which the Preserve is located to provide for such
21 services as law enforcement and emergency services.

22 (2) DONATIONS.—Notwithstanding any other
23 provision of law, the Secretary may solicit, accept,
24 retain, and expend donations of funds, property
25 (other than real property), or services from individ-

1 uals, foundations, corporations, or public entities for
2 the purposes of providing programs, services, facili-
3 ties, or technical assistance that further the pur-
4 poses of this Act.

5 (g) GENERAL MANAGEMENT PLAN.—

6 (1) IN GENERAL.—Not later than the termi-
7 nation date of the third full fiscal year beginning
8 after the date of establishment of the Preserve, the
9 Secretary shall prepare and submit to the Commit-
10 tee on Energy and Natural Resources of the Senate
11 and the Committee on Resources of the House of
12 Representatives a general management plan for the
13 Preserve.

14 (2) CONSULTATION.—In preparing the general
15 management plan, the Secretary, acting through the
16 Director of the National Park Service, shall consult
17 with—

18 (A)(i) appropriate officials of the Trust;

19 and

20 (ii) the Advisory Committee established
21 under section 7; and

22 (B) adjacent landowners, appropriate offi-
23 cials of nearby communities, the Kansas De-
24 partment of Wildlife and Parks, and the Kan-

1 sas Historical Society, and other interested par-
2 ties.

3 (3) CONTENT OF PLAN.—The general manage-
4 ment plan shall provide for the following:

5 (A) Maintaining and enhancing the
6 tallgrass prairie ecosystem within the bound-
7 aries of the Preserve.

8 (B) Public access and enjoyment of the
9 property that is consistent with the conserva-
10 tion and proper management of the historical,
11 cultural, and natural resources of the ranch,
12 lands of adjoining landowners, and surrounding
13 communities.

14 (C) Interpretive and educational programs
15 covering the natural history of the prairie, the
16 cultural history of Native Americans, and the
17 legacy of ranching in the Flint Hills region.

18 (D) Provisions requiring the application of
19 applicable State law concerning the mainte-
20 nance of adequate fences within the boundaries
21 of the Preserve. In any case in which an activ-
22 ity of the National Park Service requires fences
23 that exceed the legal fence standard otherwise
24 applicable to the Preserve, the National Park
25 Service shall pay the additional cost of con-

1 structing and maintaining the fences to meet
2 the applicable requirements for that activity.

3 (E) Provisions requiring the Secretary to
4 comply with applicable State noxious weed, pes-
5 ticide, and animal health laws.

6 (F) Provisions requiring compliance with
7 applicable Federal and State water laws and
8 waste disposal laws (including regulations) and
9 any other applicable law.

10 (G) Provisions requiring the Secretary to
11 honor each valid existing oil and gas lease for
12 lands within the boundaries of the Preserve (as
13 described in section 4(b)) that is in effect on
14 the date of enactment of this Act.

15 (H) Provisions requiring the Secretary to
16 offer to enter into an agreement with each indi-
17 vidual who, as of the date of enactment of this
18 Act, holds rights for cattle grazing within the
19 boundaries of the Preserve (as described in sec-
20 tion 4(b)).

21 **SEC. 6. LIMITED AUTHORITY TO ACQUIRE.**

22 (a) IN GENERAL.—The Secretary is authorized and
23 directed to acquire, by donation or purchase with donated
24 or appropriated funds, at fair market value—

1 (1) not more than 180 acres of real property
2 within the boundaries of the Preserve (as described
3 in section 4(b)) and the improvements thereon; and

4 (2) rights-of-way on roads that are not owned
5 by the State of Kansas within the boundaries of the
6 Preserve.

7 (b) PAYMENTS IN LIEU OF TAXES.—For the pur-
8 poses of payments made pursuant to chapter 69 of title
9 31, United States Code, the real property described in
10 subsection (a)(1) shall be deemed to have been acquired
11 for the purposes specified in section 6904(a) of such title
12 31.

13 (c) PROHIBITIONS.—No property may be acquired
14 under this section without the consent of the owner of the
15 property. The United States may not acquire fee owner-
16 ship of any lands within the Preserve other than lands
17 described in this section.

18 **SEC. 7. ADVISORY COMMITTEE.**

19 (a) ESTABLISHMENT.—There is established an advi-
20 sory committee to be known as the “Tallgrass Prairie Na-
21 tional Preserve Advisory Committee”.

22 (b) DUTIES.—The Advisory Committee shall advise
23 the Secretary and the Director of the National Park Serv-
24 ice concerning the development, management, and inter-
25 pretation of the Preserve. In carrying out such duties, the

1 Advisory Committee shall provide timely advice to the Sec-
2 retary and the Director during the preparation of the gen-
3 eral management plan required by section 5(g).

4 (c) MEMBERSHIP.—The Advisory Committee shall
5 consist of the following 13 members, who shall be ap-
6 pointed by the Secretary as follows:

7 (1) Three members shall be representatives of
8 the Trust.

9 (2) Three members shall be representatives of
10 local landowners, cattle ranchers, or other agricul-
11 tural interests.

12 (3) Three members shall be representatives of
13 conservation or historic preservation interests.

14 (4) Three members, who shall be appointed as
15 follows:

16 (A) One member shall be selected from a
17 list of nominations submitted to the Secretary
18 by the Chase County Commission in the State
19 of Kansas.

20 (B) One member shall be selected from a
21 list of nominations jointly submitted to the Sec-
22 retary by appropriate officials of Strong City,
23 Kansas, and Cottonwood Falls, Kansas.

1 (C) One member shall be selected from a
2 list of nominations submitted to the Secretary
3 by the Governor of the State of Kansas.

4 (5) One member shall be a range management
5 specialist representing institutions of higher edu-
6 cation (as defined in section 1201(a) of the Higher
7 Education Act of 1965 (20 U.S.C. 1141(a))) in the
8 State of Kansas.

9 (d) TERMS.—

10 (1) IN GENERAL.—Each member of the Advi-
11 sory Committee shall be appointed to serve for a
12 term of 3 years, except that the initial members
13 shall be appointed as follows:

14 (A) Four members shall be appointed, one
15 each from paragraphs (1), (2), (3), and (4) of
16 subsection (c), to serve for a term of 3 years.

17 (B) Four members shall be appointed, one
18 each from paragraphs (1), (2), (3), and (4) of
19 subsection (c), to serve for a term of 4 years.

20 (C) Five members shall be appointed, one
21 each from paragraphs (1) through (5) of sub-
22 section (c), to serve for a term of 5 years.

23 (2) REAPPOINTMENT.—Each member may be
24 reappointed to serve for a subsequent term.

1 (3) EXPIRATION.—Each member shall continue
2 to serve after the expiration of the term of the mem-
3 ber until a successor is appointed.

4 (4) VACANCIES.—A vacancy on the Advisory
5 Committee shall be filled in the same manner as an
6 original appointment is made. The member ap-
7 pointed to fill the vacancy shall serve until the expi-
8 ration of the term in which the vacancy occurred.

9 (e) CHAIRPERSON.—The Secretary shall appoint one
10 of the members who is a representative from the Trust
11 appointed under subsection (c)(1) to serve as Chairperson.

12 (f) MEETINGS.—Meetings of the Advisory Committee
13 shall be held at the call of the Chairperson or the majority
14 of the Advisory Committee. Meetings shall be held at such
15 locations and in such manner as to ensure adequate oppor-
16 tunity for public involvement. In compliance with the re-
17 quirements of the Federal Advisory Committee Act (5
18 U.S.C. App.), the Advisory Committee shall choose an ap-
19 propriate means of providing interested members of the
20 public advance notice of scheduled meetings.

21 (g) QUORUM.—A majority of the members of the Ad-
22 visory Committee shall constitute a quorum.

23 (h) COMPENSATION.—Each member of the Advisory
24 Committee shall serve without compensation, except that
25 while engaged in official business of the Advisory Commit-

1 tee, the member shall be entitled to travel expenses, in-
2 cluding per diem in lieu of subsistence in the same manner
3 as persons employed intermittently in Government service
4 under section 5703 of title 5, United States Code.

5 (i) CHARTER.—The rechartering provisions of section
6 14(b) of the Federal Advisory Committee Act (5 U.S.C.
7 App.) are hereby waived with respect to the Advisory Com-
8 mittee.

9 **SEC. 8. RESTRICTION ON AUTHORITY.**

10 Nothing in this Act shall give the Secretary authority
11 to regulate lands outside the boundaries of the Preserve.

12 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

13 There are authorized to be appropriated to the De-
14 partment of the Interior such sums as may be necessary
15 to carry out this Act.

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