

104TH CONGRESS  
2D SESSION

# H. R. 4043

To establish the Tallgrass Prairie National Preserve in the State of Kansas,  
and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 10, 1996

Mr. ROBERTS introduced the following bill; which was referred to the  
Committee on Resources

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## A BILL

To establish the Tallgrass Prairie National Preserve in the  
State of 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 1996”.

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

7 (a) FINDINGS.—Congress finds that—

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

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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) the 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) that 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; and

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 a manner and by such  
6 means as will leave the scenery, natural  
7 and historic objects, and wildlife  
8 unimpaired for the enjoyment of future  
9 generations.

10 (b) PURPOSES.—The purposes of this Act are—

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; and

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 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 by section 4.



1 may be corrected by making minor changes to the map,  
2 the Secretary shall make changes to the map as appro-  
3 priate, and the boundaries of the Preserve shall be ad-  
4 justed accordingly. The map shall be on file and available  
5 for public inspection in the appropriate offices of the Na-  
6 tional Park Service of the Department of the Interior.

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

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

17 (b) APPLICATION OF REGULATIONS.—With the con-  
18 sent of a private owner of land within the boundaries of  
19 the Preserve, the regulations issued by the Secretary con-  
20 cerning the National Park Service that provide for the  
21 proper use, management, and protection of persons, prop-  
22 erty, and natural and cultural resources shall apply to the  
23 private land.

24 (c) FACILITIES.—For purposes of carrying out the  
25 duties of the Secretary under this Act relating to the Pre-

1 serve, the Secretary may, with the consent of a landowner,  
2 directly or by contract, construct, reconstruct, rehabilitate,  
3 or develop essential buildings, structures, and related fa-  
4 cilities including roads, trails, and other interpretive facili-  
5 ties on real property that is not owned by the Federal Gov-  
6 ernment and is located within the Preserve.

7 (d) LIABILITY.—

8 (1) LIABILITY OF THE UNITED STATES AND ITS  
9 OFFICERS AND EMPLOYEES.—Except as otherwise  
10 provided in this subsection, the liability of the Unit-  
11 ed States is subject to the terms and conditions of  
12 the Federal Tort Claims Act, as amended, 28 U.S.C.  
13 2671 et seq., with respect to the claims arising by  
14 virtue of the Secretaries administration of the Pre-  
15 serve pursuant to this Act.

16 (2) LIABILITY OF LANDOWNERS.—

17 (A) The Secretary of the Interior is au-  
18 thorized, under such terms and conditions as he  
19 deems appropriate, to include in any coopera-  
20 tive agreement entered into in accordance with  
21 subsection (f)(1) an indemnification provision  
22 by which the United States agrees to hold  
23 harmless, defend and indemnify the landowner  
24 in full from and against any suit, claim, de-  
25 mand or action, liability, judgment, cost or

1 other fee arising out of any claim of personal  
2 injury or property damage that occurs in con-  
3 nection with the operation of the Preserve  
4 under the agreement: *Provided however*, That  
5 indemnification shall not exceed \$3 million per  
6 claimant per occurrence.

7 (B) The indemnification provision author-  
8 ized by subparagraph (A) shall not include  
9 claims for personal injury or property damage  
10 proximately caused by the wanton or willful  
11 misconduct of the landowner.

12 (e) UNIT OF THE NATIONAL PARK SYSTEM.—The  
13 Preserve shall be a unit of the National Park System for  
14 all purposes, including the purpose of exercising authority  
15 to charge entrance and admission fees under section 4 of  
16 the Land and Water Conservation Fund Act of 1965 (16  
17 U.S.C. 4601–6a).

18 (f) AGREEMENTS AND DONATIONS.—

19 (1) AGREEMENTS.—The Secretary may expend  
20 Federal funds for the cooperative management of  
21 private property within the Preserve for research, re-  
22 source management (including pest control and nox-  
23 ious weed control, fire protection, and the restora-  
24 tion of buildings), and visitor protection and use.

1           (2) DONATIONS.—The Secretary may accept,  
2 retain, and expend donations of funds, property  
3 (other than real property), or services from individ-  
4 uals, foundations, corporations, or public entities for  
5 the purposes of providing programs, services, facili-  
6 ties, or technical assistance that further the pur-  
7 poses of this Act.

8           (g) GENERAL MANAGEMENT PLAN.—

9           (1) IN GENERAL.—Not later than the end of  
10 the third full fiscal year beginning after the date of  
11 enactment of this Act, the Secretary shall prepare  
12 and submit to the Committee on Energy and Natu-  
13 ral Resources of the Senate and the Committee on  
14 Resources of the House of Representatives a general  
15 management plan for the Preserve.

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

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

21                   and

22                   (ii) the Advisory Committee; and

23                   (B) adjacent landowners, appropriate offi-  
24 cials of nearby communities, the Kansas De-  
25 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 within the boundaries of the  
7                   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                  (C) Interpretive and educational programs  
13                  covering the natural history of the prairie, the  
14                  cultural history of Native Americans, and the  
15                  legacy of ranching in the Flint Hills region.

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

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

4           (F) Provisions requiring compliance with  
5           applicable State water laws and Federal and  
6           State waste disposal laws (including regula-  
7           tions) and any other applicable law.

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

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

19          (4) HUNTING AND FISHING.—The Secretary  
20          may allow hunting and fishing on Federal lands  
21          within the Preserve.

22          (5) FINANCIAL ANALYSIS.—As part of the de-  
23          velopment of the general management plan, the Sec-  
24          retary shall prepare a financial analysis indicating  
25          how the management of the Preserve may be fully

1 supported through fees, private donations, and other  
2 forms of non-Federal funding.

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

4 (a) IN GENERAL.—The Secretary shall acquire, by  
5 donation, not more than 180 acres of real property within  
6 the boundaries of the Preserve (as described in section  
7 4(b)) and the improvements on the real property.

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

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 those duties,

1 the Advisory Committee shall provide timely advice to the  
2 Secretary and the Director during the preparation of the  
3 general management plan under section 5(g).

4 (c) MEMBERSHIP.—The Advisory Committee shall  
5 consist of 13 members, who shall be appointed by the Sec-  
6 retary 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)(A) One member shall be selected from a list  
15 of persons recommended by the Chase County Com-  
16 mission in the State of Kansas.

17 (B) One member shall be selected from a list of  
18 persons recommended by appropriate officials of  
19 Strong City, Kansas, and Cottonwood Falls, Kansas.

20 (C) One member shall be selected from a list of  
21 persons recommended by the Governor of the State  
22 of Kansas.

23 (5) One member shall be a range management  
24 specialist representing institutions of higher edu-  
25 cation (as defined in section 1201(a) of the Higher

1 Education Act of 1965 (20 U.S.C. 1141(a))) in the  
2 State of Kansas.

3 (d) TERMS.—

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

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

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

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

17 (2) REAPPOINTMENT.—Each member may be  
18 reappointed to serve a subsequent term.

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

22 (4) VACANCIES.—A vacancy on the Advisory  
23 Committee shall be filled in the same manner as an  
24 original appointment is made. The member ap-

1 pointed to fill the vacancy shall serve until the expi-  
2 ration of the term in which the vacancy occurred.

3 (e) CHAIRPERSON.—The members of the Advisory  
4 Committee shall select 1 of the members to serve as Chair-  
5 person.

6 (f) MEETINGS.—Meetings of the Advisory Committee  
7 shall be held at the call of the Chairperson or the majority  
8 of the Advisory Committee. Meetings shall be held at such  
9 locations and in such a manner as to ensure adequate op-  
10 portunity for public involvement. In compliance with the  
11 requirements of the Federal Advisory Committee Act (5  
12 U.S.C. App.), the Advisory Committee shall choose an ap-  
13 propriate means of providing interested members of the  
14 public advance notice of scheduled meetings.

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

17 (h) COMPENSATION.—Each member of the Advisory  
18 Committee shall serve without compensation, except that  
19 while engaged in official business of the Advisory Commit-  
20 tee, the member shall be entitled to travel expenses, in-  
21 cluding per diem in lieu of subsistence in the same manner  
22 as persons employed intermittently in Government service  
23 under section 5703 of title 5, United States Code.

1 (i) CHARTER.—The rechartering provisions of section  
2 14(b) of the Federal Advisory Committee Act (5 U.S.C.  
3 App.) shall not apply to the Advisory Committee.

4 **SEC. 8. RESTRICTION ON AUTHORITY.**

5 Nothing in this Act shall give the Secretary authority  
6 to regulate lands outside the land area acquired by the  
7 Secretary under section 6(a).

8 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

9 There are authorized to be appropriated to the De-  
10 partment of the Interior such sums as are necessary to  
11 carry out this Act.

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