

103^D CONGRESS
2^D SESSION

H. R. 5000

To provide for the establishment of the Tallgrass Prairie National Preserve
in Kansas.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 19, 1994

Mr. GLICKMAN (for himself, Mr. ROBERTS, Mr. SLATTERY, and Mrs. MEYERS
of Kansas) introduced the following bill; which was referred to the Com-
mittee on Natural Resources

A BILL

To provide for the establishment of the Tallgrass Prairie
National Preserve in Kansas.

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 1994”.

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

7 (a) FINDINGS.—The 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, mainly 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 which represent outstanding exam-
12 ples of Second Empire and other 19th Century
13 architectural styles; and

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

16 (4) The National Park Trust, which owns the
17 Spring Hill Ranch, has agreed to allow the National
18 Park Service—

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

21 (B) to manage the Spring Hill Ranch in
22 order to—

23 (i) conserve the scenery, the natural
24 and historic objects, and the wildlife of the
25 ranch; and

1 (ii) provide for the enjoyment of the
2 ranch in such manner and by such means
3 as will leave such scenery, the natural and
4 historic objects, and wildlife unimpaired
5 for the enjoyment of future generations.

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

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

12 (2) To preserve and interpret for the public the
13 historic and cultural values represented on the
14 Spring Hill Ranch.

15 **SEC. 3. DEFINITIONS.**

16 As used in this Act:

17 (1) ADVISORY COMMITTEE.—The term “Advi-
18 sory Committee” means the Advisory Committee es-
19 tablished under section 8.

20 (2) PRESERVE.—The term “Preserve” means
21 the Tallgrass Prairie National Preserve established
22 under section 4.

23 (3) SECRETARY.—The term “Secretary” means
24 the Secretary of the Interior.

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

9 **SEC. 4. ESTABLISHMENT OF TALLGRASS PRAIRIE NA-**
10 **TIONAL PRESERVE.**

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

17 (b) DESCRIPTION.—The Preserve shall consist of the
18 lands, waters, and interests therein, including approxi-
19 mately 10,894 acres, generally depicted on the map enti-
20 tled “Boundary Map, Flint Hills Prairie National Monu-
21 ment” numbered NM-TGP 80,000 and dated June 1994,
22 more particularly described in the deed filed at 8:22 a.m.
23 of June 3, 1994, with the Register of Deeds Office in
24 Chase County, Kansas, and recorded in Book L-106 at
25 page 328 through 339, inclusive. In the case of any dif-

1 fference between such map and legal description, such legal
2 description shall govern. The map shall be on file and
3 available for public inspection in the appropriate offices
4 of the National Park Service of the Department of the
5 Interior.

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

7 (a) IN GENERAL.—The Secretary shall administer
8 the Preserve in accordance with this Act, the cooperative
9 agreement described in subsection (f)(1), and the provi-
10 sions of law generally applicable to units of the national
11 park system, including the Act entitled “An Act to estab-
12 lish a National Park Service, and for other purposes”, ap-
13 proved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1
14 through 4) and the Act of August 21, 1935 (49 Stat. 666;
15 16 U.S.C. 461 through 467).

16 (b) APPLICATION OF REGULATIONS.—The regula-
17 tions issued by the Secretary concerning the National
18 Park Service that provide for the proper use, management,
19 and protection of person, property, and natural and cul-
20 tural resources shall apply within the boundaries of the
21 Preserve.

22 (c) FACILITIES.—For purposes of the Preserve, the
23 Secretary may—

24 (1) directly or by contract, construct, recon-
25 struct, rehabilitate, or develop essential buildings,

1 structures, and related facilities including roads,
2 trails, and other interpretive facilities on real prop-
3 erty that is not owned by the Federal Government
4 and is located within the Preserve, with the approval
5 of the landowner; and

6 (2) maintain and operate programs in connec-
7 tion with the Preserve with the consent of the land-
8 owner.

9 (d) LIABILITY.—

10 (1) LANDOWNERS.—Notwithstanding any other
11 provision of law, no person who owns any land or in-
12 terest in land within the Preserve shall be liable for
13 injury to, or damages suffered by, any other person
14 if—

15 (A) such injury or damages result from
16 any act or omission of the Secretary or any offi-
17 cer, employee, or agent of the Secretary; or

18 (B) such liability would arise solely by rea-
19 son of the ownership by the defendant of such
20 land or interest in land and such injury or dam-
21 ages are not proximately caused by the wanton
22 or willful misconduct of the defendant.

23 (2) LIABILITY OF UNITED STATES AND OFFI-
24 CERS AND EMPLOYEES OF THE UNITED STATES.—

25 (A) Nothing in this subsection or in any other provi-

1 sion of this Act may be construed to exempt the
2 Federal Government, or any officer or employee of
3 the Federal Government, from any liability for acts
4 or omissions for which the Federal Government, or
5 such officer or employee, as the case may be, would
6 otherwise be liable under any applicable provision of
7 law.

8 (B) Nothing in this subsection or in any other
9 provision of this Act may be construed to impose on
10 the Federal Government, or any officer or employee
11 of the Federal Government, any liability for acts or
12 omissions of any other person or entity for acts or
13 omissions of such other person or entity for which
14 the Federal Government, or such officer or em-
15 ployee, as the case may be, would otherwise not be
16 liable under any applicable provision of law.

17 (e) FEES.—The Preserve shall be considered a des-
18 ignated unit of the National Park System, including for
19 purposes of entrance and admission fees under section 4
20 of the Land and Water Conservation Fund Act of 1965
21 (16 U.S.C. 460l–6a).

22 (f) AGREEMENTS AND DONATIONS.—

23 (1) AGREEMENTS.—The Secretary is authorized
24 to expend Federal funds for the cooperative manage-
25 ment of private property within the Preserve for re-

1 search, resources management, and visitor protection
2 and use. The Secretary may enter into cooperative
3 agreements with public or private agencies, organiza-
4 tions, and institutions to further the purposes of this
5 Act.

6 (2) DONATIONS.—Notwithstanding any other
7 provision of law, the Secretary may solicit, accept,
8 retain, and expend donations of funds, property
9 (other than real property), or services from individ-
10 uals, foundations, corporations, or public entities for
11 the purposes of providing programs, services, facili-
12 ties, or technical assistance that further the pur-
13 poses of this Act.

14 (g) GENERAL MANAGEMENT PLAN.—

15 (1) IN GENERAL.—Not later than the termi-
16 nation date of the third full fiscal year beginning
17 after the date of establishment of the Preserve, the
18 Secretary shall prepare and submit to the Commit-
19 tee on Natural Resources of the House of Represent-
20 atives and the Committee on Energy and Natural
21 Resources of the Senate a general management plan
22 for the Preserve.

23 (2) CONSULTATION.—In preparing the general
24 management plan, the Secretary, acting through the

1 Director of the National Park Service, shall consult
2 with—

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

4 and

5 (ii) the Advisory Committee established
6 under section 8; and

7 (B) adjacent landowners, appropriate offi-
8 cials of nearby communities, and other inter-
9 ested parties.

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

12 (A) Maintaining and enhancing the
13 tallgrass prairie ecosystem.

14 (B) Public access and enjoyment of the
15 property that is consistent with protection and
16 management of the historical, cultural, and nat-
17 ural resources of the ranch and surrounding
18 communities.

19 (C) Interpretive and educational programs
20 covering the natural history of the prairie, the
21 cultural history of Native Americans, and the
22 legacy of ranching in the Flint Hills Region.

23 (D) Provisions requiring the maintenance
24 of adequate fences to contain domestic and wild
25 animals within the boundaries of the Preserve

1 and provisions requiring that disputes with ad-
2 jacent landowners regarding maintenance of
3 such fences shall be resolved by the county com-
4 missioners for the county in which the disputed
5 area of fence is located.

6 (E) Provisions requiring the Secretary to
7 comply with State noxious weed, pesticide, and
8 animal health laws.

9 (F) Provisions requiring compliance with
10 Federal and State water laws and waste laws
11 and regulations.

12 (G) The Secretary shall honor all existing
13 oil and gas and grazing leases.

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

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

18 (1) not more than 180 acres of real property
19 within the boundaries of the Preserve (as described
20 in section 4(b)) and the improvements thereon, and

21 (2) rights-of-way on roads that are not owned
22 by the State of Kansas within the boundaries of the
23 Preserve.

24 (b) PROHIBITIONS.—No property may be acquired
25 under this section without the consent of the owner of the

1 property. The United States may not acquire fee owner-
2 ship of any lands within the Preserve other than lands
3 described in this section.

4 **SEC. 7. ADVISORY COMMITTEE.**

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

8 (b) DUTIES.—The Advisory Committee shall advise
9 the Secretary and Director of the National Park Service
10 concerning the development, management, and interpreta-
11 tion of the Preserve. In carrying out such duties, the Advi-
12 sory Committee shall provide timely advice to the Sec-
13 retary and Director during the preparation of the general
14 management plan required by section 5(g).

15 (c) MEMBERSHIP.—The Advisory Committee shall
16 consist of the following 11 members, who shall be ap-
17 pointed by the Secretary as follows:

18 (1) Three members shall be representatives of
19 the Trust.

20 (2) Three members shall be representatives of
21 local landowners, cattle ranchers, or other agricul-
22 tural interests.

23 (3) Three members shall be representatives of
24 conservation or historic preservation interests.

1 (4) One member shall represent the State of
2 Kansas or a local political subdivision.

3 (5) One member shall represent institutions of
4 higher education (as defined in section 1201(a) of
5 the Higher Education Act of 1965 (20 U.S.C.
6 1141(a)) in the State of Kansas.

7 (d) TERMS.—

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

12 (A) Three members shall be appointed, one
13 each from paragraphs (1), (2), and (3) of sub-
14 section (c), to serve for a term of 3 years.

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

18 (C) Four members shall be appointed, one
19 each from paragraphs (1), (2), (3), and (5) of
20 subsection (c), shall serve for a term of 5 years.

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

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

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

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

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

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

20 (h) COMPENSATION.—Each member of the Advisory
21 Committee shall serve without compensation, except that
22 while engaged in official business of the Advisory Commit-
23 tee, the member shall be entitled to travel expenses, in-
24 cluding per diem in lieu of subsistence in the same manner

1 as persons employed intermittently in Government service
2 under section 5703 of title 5, United States Code.

3 (i) CHARTER.—The rechartering provisions of section
4 14(b) of the Federal Advisory Committee Act (5 U.S.C.
5 App.) are hereby waived with respect to the Advisory Com-
6 mittee.

7 **SEC. 8. RESTRICTION ON AUTHORITY.**

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

10 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

11 There are authorized to be appropriated to the De-
12 partment such sums as may be necessary to carry out this
13 Act.

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