



## **CHAPTER 6:** Consultation and Coordination



## PUBLIC AND AGENCY INVOLVEMENT

The *South Unit General Management Plan / Environmental Impact Statement* (South Unit GMP/EIS) represents thoughts presented by the National Park Service (NPS), other agencies, American Indian tribes, and the public.

Consultation and coordination among the tribes, agencies, and the public were vitally important throughout the planning process. During initial scoping, the public had two primary avenues by which it participated during the development of the plan: participation in public scoping meetings and responses to newsletters. In each of these formats, the public was invited to comment on the concepts for management provided in newsletters and to share with the team any issues or concerns to be considered in the South Unit GMP/EIS.

### CONSULTATION AND NEGOTIATION BETWEEN OGLALA SIOUX TRIBE AND NATIONAL PARK SERVICE

In 2000, the NPS held public scoping meetings at the initial stage of work on a new general management plan. By 2002 disagreements arose between the NPS and OST regarding the conduct of paleontological activities in the South Unit, ultimately leading to a moratorium on such activities, ratified by the Oglala Sioux Tribal Council on September 4, 2002 with Resolution 02-91. The NPS, OST, and Bureau of Indian Affairs (BIA) entered into formal negotiations concerning the future management of the South Unit. At that time, the decision was made to continue the planning process for the North Unit only, and to postpone the South Unit GMP/EIS until 2006.

Early in 2006, following the arrival of a new park superintendent, the South Unit GMP/EIS effort resumed. The GMP team included Midwest Region and Badlands National Park staff, Oglala Sioux Parks and Recreation Authority (OSPRA) staff, and members of the OST.

Once the work resumed on the South Unit GMP/EIS, nine workshops were held by the

OST and NPS planning team. Three formal meetings were held in Omaha between OST representatives (including Tribal president) and NPS Midwest Regional Office reps (including Regional Director). Four formal briefings were held in Washington, D.C., with leadership from the NPS and the Department of the Interior. One briefing was held with the Coalition of NPS Retirees.

Concurrent with the development of the South Unit GMP/EIS, the OST Land Committee passed a resolution supporting the South Unit GMP process. The resolution was passed by the full Oglala Sioux Tribal Council on June 29, 2010. The resolution further supports the preferred alternative, a public comment period, and appoints OSPRA and the Land Committee to continue government-to-government consultation throughout the GMP process and keep the Oglala Sioux Tribal Council apprised of developments.

### SCOPING MEETINGS AND NEWSLETTERS

General management planning for Badlands National Park is guided by the major elements of park planning and decision making prescribed by the *National Environmental Policy Act* and other federal laws, as well as by NPS policies. The NPS consulted with American Indian Tribes and held scoping meetings in surrounding communities in 2000 to identify the public's concerns about issues facing the park. The planning team, composed of NPS staff and OST members, then developed statements regarding the park's purposes and significance based in part on those scoping comments.

A Notice of Intent to prepare an Environmental Impact Statement was published in the *Federal Register* on April 24, 2007. The South Unit GMP/EIS planning team developed a set of management options describing how the management and operations of the South Unit could be accomplished with varying degrees of involvement by the NPS and OST, and a set of alternatives that propose ways that the South

Unit resources and visitor experience could be managed.

The preliminary management options were presented to the public during open houses in the spring of 2008. Approximately 10,000 scoping newsletters (Newsletter #1) were printed in English and Lakota and distributed to announce the beginning of the South Unit GMP process. In addition, a press release was distributed to approximately 30 media outlets.

A month after the newsletter was released, 17 public open houses were held in Wall, Rapid City, Denver, and on the Pine Ridge Reservation. A total of 254 people attended those meetings, as shown in table 16. A total of 255 comments were recorded at the open houses and submitted by mail, email, and on the park and NPS websites. The comments from all sources were compiled and reviewed by the GMP planning team as it refined the preliminary management options, and developed the resource and visitor experience alternatives.

The comments reflected a public that is passionate about the future of the South Unit's resources, uses, and management. Many of the commenters provided detailed recommendations on how areas in the park should be managed, which resources are most important to protect or preserve, and what they would like to see for the future of the South Unit.

**TABLE 16. PUBLIC OPEN HOUSES FOR SOUTH UNIT  
GENERAL MANAGEMENT PLAN / ENVIRONMENTAL  
IMPACT STATEMENT, SPRING 2008**

2008 Date	Location	Number of Attendees
April 7	Red Shirt	29
April 8	Oglala	16
April 9	Manderson	11
April 9	Rapid City	27
April 10	Wall	10
April 11	Batesland	6
April 11	Wakpamni	12
April 14	Pine Ridge	25
April 14	Pass Creek (Allen)	16
April 15	La Creek (Martin)	8
April 15	Wanblee	36
April 16	Kyle	20
April 17	Wounded Knee	24
April 18	Porcupine	11
May 28	Denver	3
<b>TOTAL</b>		<b>254</b>

The topics addressed by the public in these 2008 comments were organized into major topics that broadly describe the nature of the comments (Summary of Comments Received; PEPC website):

- **What the public values about the park.**  
The responses varied: there were those who appreciate the beauty and serenity, the South Unit's natural resources, and the fossils; others appreciate and value the historic landscapes.
- **Thoughts/suggestions about the proposed management concepts.** Of approximately 255 comments directly addressing the management concepts, the vast majority preferred a change from current management. There was no clear preference between shared management of the South Unit of Badlands National Park, creation of a new national park unit managed by the OST with technical assistance from the NPS, and deauthorization of the South Unit with no connection to the NPS. In addition, about 20 commenters suggested a gradual progression from shared management of the South Unit to eventual deauthorization.
- **Issue-specific statements regarding the current or future management of the park that should be addressed by the plan.** Access to the South Unit was raised as an issue by many commenters who expressed very passionate views and opinions. The comments ranged from broadly supporting or opposing more access to identification of specific concerns regarding access. Some commenters expressed a desire that the park be accessible and that access not be limited, while others are concerned about an increase in development and the possible ramifications of increased access to the park.
- **Cultural Resources.** Commenters want the cultural and historical sites protected, but want Oglala history and culture shared through interpretive programs, oral histories, and "hands-on" experiences. Spiritual and cultural preservation was a common theme.
- **Education/interpretation/training.** Comments related to education and interpretation focused on methods for

visitors to learn more about the history and culture of the Oglala people, and on training opportunities for Tribal members.

- **Facilities/infrastructure.** Comments received regarding concerns about development in the park included development of facilities either in a broad sense or in particular areas, and commercial development. Some commenters were concerned about overdevelopment of the park in the future.

There was much support for development of a visitor center or other facility to feature Oglala history, culture, crafts, and a place where artwork could be sold. There was also support for a museum for fossils and cultural artifacts. Some commenters wanted to see a hotel and other tourism infrastructure, such as an amphitheater, rodeo and pow wow grounds, and a café. Others suggested improved roads, scenic drives with overlooks, backcountry and developed campgrounds, and trails/trailheads for hiking and horseback riding. Several commenters proposed minimum development, restricted to the perimeter of the South Unit.

- **Natural Resources.** During the scoping process, comments were received regarding concerns or issues about preservation of resources. Natural resource-related concerns included protection of fossils and plants that are used for medicinal and spiritual purposes, reintroduction of native prairie grasses, and replacing cattle with buffalo (bison). Several commenters would like to have the resource managed under traditional Oglala ecosystem methods. Numerous comments centered on renewable energy sources – wind, geothermal, solar -- and carbon credits. Other issues of concern were mining, particularly of zeolite, use of pesticides and herbicides, protection

of watersheds, and pollution generated from car exhaust.

- **Management/operations.** Many commenters were concerned about management of the South Unit, the lack of facilities, and enforcement of regulations. A number of commenters raised concerns about law enforcement and the need for more rangers in the park. Several comments focused on a desire to see the Tribe exercise its sovereignty through managing the South Unit. There was overwhelming support for Tribal management, with a variety of suggestions for which Tribal entity (OST, OSPRA, Land Committee, or other entity) would have the management responsibility.

A follow-up newsletter (Newsletter #2) detailed the results of the public scoping, and presented a schedule for the remainder of the planning process. The public comment period for the South Unit *Draft General Management Plan / Environmental Impact Statement* began with the publication of a Notice of Availability of the document in the August 20, 2010 *Federal Register*. The draft document was sent to all agencies and organizations on the planning team's mailing list and was posted on the Internet (<http://parkplanning.nps.gov/>).

The NPs received comment letters and oral comments at public open houses held in Kyle, Pine Ridge, Red Shirt, Rapid City, and Wall, South Dakota, in September; and in Washington, D.C., in October 2010 (see table 17). The public comment period was extended from October 18 to November 1 to accommodate requests for an extension. Where appropriate, the *Final General Management Plan / Environmental Impact Statement* has been revised to address the comments.

A total of 361 separate written comments were received during the comment period, including letters, e-mail comments, and entries into the PEPC website. Letters were received from three federal agencies, one state agency, five non-governmental organizations, one business, and four individuals. The letters, as well as synopsis of individual comments, are provided in

Appendix H along with NPS responses to substantive comments.

**TABLE 17. PUBLIC OPEN HOUSES FOR SOUTH UNIT GENERAL MANAGEMENT PLAN / ENVIRONMENTAL IMPACT STATEMENT, FALL 2010**

2010 Date	Location	Number of Attendees
September 14	Pine Ridge	20
September 14	Red Shirt	5
September 15	Rapid City	13
September 15	Wall	7
September 16	Kyle	14
October 12	Washington, DC	7
<b>TOTAL</b>		<b>66</b>

In addition to the public open houses, Badlands National Park and OSPRA representatives participated in several interviews on the tribal radio station KILI. The GMP planning team, through representatives of the park and OSPRA, formally consulted with the Oglala Sioux Tribe as follows:

- Public presentations to OST Land & Natural Resources Committee
- Briefings of Tribal President John Yellowbird Steele and Tribal Council
- Public meeting presentation by NPS and OSPRA at OST Environmental TECH Team Meeting.
- Technical information presentation to OST Land & Natural Resources Committee.

Additionally, OSPRA representatives made a public presentation to OST Land & Natural Resources Committee regarding the South Unit Preferred Alternative on January 24, 2011. On January 24, 2011, the OST Land and Natural Resources Committee passed a resolution supporting the finalized GMP/EIS and supporting the process of drafting legislative language for operating and managing the new Tribal National Park. That resolution was referred to the OST Tribal Council for action and was passed on February 22, 2011.

## CONSULTATION WITH STATE AND TRIBAL HISTORIC PRESERVATION OFFICERS

On June 11, 2007 a letter was sent to the State Historic Preservation Officer.

According to Section 106 of the *National Historic Preservation Act* of 1966, as amended (16 USC 470, et seq.), agencies that have direct or indirect jurisdiction over historic properties are required to take into account the effect of any undertaking on properties eligible for the National Register of Historic Places. To meet the requirements of 36 CFR 800, the National Park Service sent letters to the South Dakota Historic Preservation Office and the Advisory Council on Historic Preservation, inviting their participation in the planning process. Both offices were sent a copy of the newsletter, with a request for their comments.

On November 14, 2008, the NPS, Advisory Council, and the National Conference of State Historic Preservation Officers signed a new Programmatic Agreement, replacing the 1995 Programmatic Agreement. The 2008 Programmatic Agreement will govern future Section 106 activities.

On February 23, 2005, the Executive Committee of the OST created the position of a Tribal historic preservation officer by passing Resolution 05-23XB. In doing so, the Executive Committee also established an Oglala Lakota Historic Advisory Council. As of October 1, 2009, the Tribal Historic Preservation Officer officially assumed what were the State Historic Preservation Officer responsibilities under Section 101(d) of *National Historic Preservation Act*. This means that the Tribal Historic Preservation Officer now has Section 106 responsibilities at the South Unit and on all tribal lands within the Pine Ridge Indian Reservation.

The NPS consulted with the Tribal Historic Preservation Officer, who was given a copy of the draft GMP/EIS and asked to provide a determination on adverse impacts from the proposed action. On February 8, 2011, a letter was sent to the Tribal Historic Preservation Officer referencing previous communications

with that office and requesting a written concurrence with the determination that no historic properties within the South Unit would be affected by implementation of any of the alternatives. The letter also noted that any future actions must meet all requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, and that, as projects are developed, the Tribal Historic Preservation Office would be consulted.

## CONSULTATION WITH OTHER TRIBES

On June 11, 2007, the National Park Service sent letters to the following American Indian groups inviting them to participate in the planning process:

Cheyenne River Sioux Tribe  
Crow Creek Sioux Tribe  
Flandreau Santee Sioux Tribe  
Lower Brule Sioux Tribe  
Oglala Sioux Tribe  
Rosebud Sioux Tribe  
Sisseton-Wahpeton Sioux  
Standing Rock Nation  
Yankton Sioux Tribe

Responses were received from Rosebud Sioux Tribe and Flandreau Sioux Tribe as follows:

### Rosebud Sioux Tribe

The Tribe responded on June 26, 2007, that they have concerns and interests in this area and want to be informed of all projects.

### Flandreau Santee Sioux Tribe

The Tribe responded on June 12, 2007, that they have no objections. However, if human skeletal remains and/or any objects falling under the *Native American Graves Protection and Repatriation Act* of 1990 are uncovered during construction, please stop immediately and notify their appropriate persons (state and tribal *Native American Graves Protection and Repatriation Act* representative).

In addition, the NPS presented the preliminary alternatives to the Oglala Sioux Tribal Council.

The presentation included an overview of the alternatives, a description of the next steps that would be taken in the planning process, a summary of the public comments, and an opportunity for questions and discussion. The Tribe was particularly interested in efforts to increase visitation to the South Unit, opportunities for economic development on the reservation near the South Unit, and protection of sacred sites in the park. Members of the planning team also have met with various committees and tribal offices to brief them on the planning effort. In addition, the tribes had the opportunity to review and comment on the draft plan.

## **CONSULTATION WITH THE U.S. FISH AND WILDLIFE SERVICE**

The *Endangered Species Act* of 1973, as amended, requires in Section 7 (a) (2) that each federal agency, in consultation with the Secretary of the Interior, ensure that any action the agency authorizes, funds, or carries out is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat. This section of the Act sets out the consultation process, which is further implemented by regulation (50 CFR 402).

The NPS initiated formal consultation with the U.S. Fish and Wildlife Service (USFWS) in November 2008 to determine the presence of federally listed threatened and endangered species in the South Unit. To remain up to date on listed and proposed threatened and endangered species, the NPS consulted the USFWS website. Copies of the two newsletters and the Draft GMP/EIS were provided to the USFWS and the agency will be given a copy of this final document for review.

## **OTHER AGENCIES AND ORGANIZATIONS TO WHICH THIS DOCUMENT WAS SENT**

The following agencies, officials, local governments, organizations, businesses and news organizations received information about

the South Unit GMP/EIS through receipt of the newsletters.

### **Federal Agencies**

Advisory Council on Historic Preservation  
U.S. Department of Agriculture  
    U. S. Forest Service  
    Natural Resource Conservation Service  
U.S. Department of the Interior  
    Bureau of Indian Affairs  
    U.S. Geological Survey  
U.S. Environmental Protection Agency

### **State-elected Federal Officials**

Senator Tim Johnson  
Senator John Thune  
Representative Kristi Noem

### **Elected State Officials**

Dennis Daugaard, Governor of South Dakota  
(Former) Representative Stephanie  
    Herseth-Sandlin  
(Former) Governor M. Michael Rounds

### **State of South Dakota Agencies**

Department of Agriculture  
Department of Environment and Natural  
    Resources  
Department of Game, Fish and Parks  
Department of Transportation  
State Historic Preservation Office

### **Local Governments**

Jackson County  
Pennington County  
Shannon County  
Mayor of Wall  
Mayor of Interior

### **Organizations and Businesses**

Handicapped Travel Club (Nevada)  
Keystone Area Historical Society (South  
    Dakota)  
Prairie Homestead Museum (South Dakota)  
Badlands Petrified Gardens (South Dakota)  
Corn Palace (South Dakota)

South Dakota Stockgrowers Association  
Wall Drug (South Dakota)  
Lakota Student Alliance (South Dakota)  
Ducks Unlimited (North Dakota)  
Great Plains Restoration Council (Texas)  
The Conservation Fund (Oregon)  
Black Hills, Badlands and Lakes Association  
(South Dakota)  
Sierra Club (South Dakota)  
American Museum National History (New  
York)  
NPCA (Illinois)  
Science and Tech Services (Colorado)  
Forever Resorts (Arizona – Cedar Pass  
Concession Operator)  
Wyoming Dinosaur Center  
Faunal Analysis and CRM Services (Idaho)  
South Dakota Chapter of Wildlife Society  
Wall Chamber of Commerce (South Dakota)  
National Wildlife Federation (Montana)  
Lakota Fund (South Dakota)  
Society of Vertebrate Paleontology (Illinois)  
Florida Museum of Natural History  
American Motorcyclist Association (Ohio)  
Orton Geological Museum (Ohio)  
Isaac Walton League (South Dakota)  
Friend of the Earth (Washington, DC)  
Wounded Knee Visitor Center (South Dakota)  
Mammoth Site (South Dakota)

## **NEWS MEDIA**

Bennett County Booster  
Central Dakota Times  
Custer County Chronicle  
Denver Post  
Kadoka Press  
KBHE News  
KELOLAND TV  
KEVN News  
KILI Radio  
KOTA News  
Midwest Living  
Minneapolis Star-Tribune  
Mitchell Republic  
Murdo Coyote  
Missouri Valley Sun  
Sioux Falls Argus Leader  
Pierre Capitol Journal  
Rapid City Journal  
Pioneer Review

KQSK Radio  
South Dakota Public Broadcasting  
Black Hills Press

Responses were received from the U.S.  
Environmental Protection Agency (EPA) (May  
25, 2007) and Society of Vertebrate  
Paleontology (June 15, 2009), summarized as  
follows.

## **U.S. Environmental Protection Agency (EPA)**

The EPA provided comments in anticipation of  
review of the Draft EIS recommending that it  
include environmental considerations for air  
quality, soil erosion and vegetation; water  
resources, and connection actions such as any  
actions occurring outside of the South Unit that  
would influence the management of or impact  
the resources of the South Unit (expansion,  
mining, human actions). After review of the  
Draft EIS, the EPA further recommended that  
the Final EIS address the potential for  
environmental justice issues to arise as a result  
of the proposed alternatives. The EPA will be  
given a copy of this final document for review.

## **Society of Vertebrate Paleontology**

The Society of Vertebrate Paleontology  
responded that the South Unit contains  
extremely important vertebrate fossils and has  
contributed to much of our understanding of life  
in North America 37 million years ago. As  
valuable as these discoveries have been, much  
work remains to be done; and the South Unit has  
much more to tell about this story. The Society  
of Vertebrate Paleontology feels it is critical for  
the South Unit GMP to provide for the proper  
management of its paleontological resources.  
This management should include a system that  
enables qualified researchers to obtain permits  
and allows them to properly collect these  
resources. These permit applications, research  
plan, and results should be reviewed by a  
qualified paleontologist in order to ensure that  
the research is properly carried out. These  
resources should be curated in public institutions  
that guarantee access for future researchers and  
should remain property of the people of the  
United States.

## **PUBLIC REVIEW OF THE FINAL SOUTH UNIT GMP/EIS**

After a 30-day no-action period, a Record of Decision approving the final plan will be approved by the NPS Regional Director. With the publication of the signed Record of Decision in the *Federal Register*, the final plan can then

be implemented, dependent upon funding and staffing. Legislation would be required for any change in the management structure. Until that time, NPS management would remain in effect, and the park and Tribe would agree to prepare for and implement the parts of the GMP that are possible and appropriate.