

APPENDIXES, REFERENCES, PREPARERS AND INDEX



APPENDIX A: 1976 MEMORANDUM OF AGREEMENT

APPENDIX E

MEMORANDUM OF AGREEMENT
BETWEEN THE
OGLALA SIOUX TRIBE OF SOUTH DAKOTA
AND THE
NATIONAL PARK SERVICE OF THE DEPARTMENT OF THE INTERIOR
TO FACILITATE ESTABLISHMENT, DEVELOPMENT,
ADMINISTRATION, AND PUBLIC USE OF THE
OGLALA SIOUX TRIBAL LANDS, BADLANDS NATIONAL MONUMENT

This Agreement, which shall take effect upon its approval by the Secretary of the Interior, is between the Oglala Sioux Tribe of South Dakota (hereinafter referred to as "Tribe"), and the National Park Service of the Department of the Interior (hereinafter referred to as "Service").

That wherever in this Agreement the Service is referred to, the term shall include the duly authorized representatives of the Service and wherever the Tribe is referred to, the term shall include the duly authorized representatives of the Oglala Sioux Indian Tribe, including the Oglala Sioux Parks Board, Inc.

WITNESSETH:

WHEREAS, the Congress has by Public Law 90-468 authorized the additions to Badlands National Monument (hereinafter referred to as "Badlands South Unit"), consisting of lands within the exterior boundaries of the Pine Ridge Indian Reservation in the State of South Dakota, which will be held by the United States in trust for the Tribe, all as depicted on the drawing entitled "Proposed Additions to Badlands National Monument" No. NM-BL-7021B, which is on file in the office of the

National Park Service, Department of the Interior; and authorized the Service to administer the lands included in the grant hereunder pursuant to the provisions of Public Law 90-468 in accordance with applicable laws and Department of the Interior regulations; and

WHEREAS, pursuant to Public Law 90-468, the Secretary of the Interior is, simultaneous with the execution of this Agreement, conveying to the Oglala Sioux Tribe, to be held hereafter by the United States in trust for the Oglala Sioux Tribe, all Federal lands and interests in lands within the former Badlands Air Force gunnery range, subject to the provisions of Public Law 90-468.

The Tribe and the Service hereby agree:

1. The service may include the Tribal lands within the boundaries of the Badlands National Monument as authorized by Public Law 90-468. The right of administration herein granted by the Tribe to the Service is granted solely for the purpose of providing public recreation and for the development and administration by the Service of administrative and public use facilities, subject to the limitations and conditions contained in this Agreement. Nothing contained in this Agreement shall be construed as impairing the ownership of any of these lands by the United States in trust for the Oglala Sioux Tribe.

2. The Tribe and persons duly authorized by the Tribe may make such use of all the land within the Badlands South Unit in the same manner as the Tribe and its members now have the right to make use of that portion of the land within the South Unit which has heretofore been held by the United States in trust for the Oglala Sioux Tribe, subject to the express relinquishments contained in this Agreement and the following limitations:

(a) the existing rights of the holders of life estates under Public Law 90-468 shall not be impaired; (b) the Tribe does not have the right to develop minerals on land reacquired under Public Law 90-468; (c) hunting rights within the Monument may be exercised only by members of the Oglala Sioux Tribe, and then only in accordance with the provisions of Section 3.

3. The right of the Tribe to hunt on the Reservation lands is recognized. No hunting on the Badlands South Unit by non-members will be allowed. In the interest of promoting, perpetuating, and preserving the species of animals which do exist within the Badlands South Unit the rules set forth in Appendix A are agreed to as governing the exercise of Tribal hunting rights. The Service intends to reintroduce species of animals, including but not limited to buffalo and antelope, into the Badlands South Unit. Any surplus animals will be given to the Tribe for restocking purposes outside the Monument boundaries.

4. The Tribe shall have the preferential right to contract for, develop, and/or operate concession facilities which may be included within the Badlands National Monument, provided that upon written notice duly given to the Tribe by the Service of the need for such facilities, the Tribe shall within six months of receipt of such notice inform the Service of its intent to exercise the preferential right.

5. Grazing and other agricultural uses of the land within the Badlands South Unit will be maintained at the present level, subject to existing rules and regulations, except that responsibility for enforcement of these regulations shall be vested in the Service. Changes in the existing uses or carrying capacity will be subject to the applicable regulations of the Bureau of Indian Affairs.

6. The Tribe will study the possibility of phasing out livestock grazing within the Badlands South Unit and replacing it through reintroduction of the buffalo. If it is concluded that the value of surplus buffalo would make it economically advantageous for the Tribe to reduce or eliminate livestock grazing within the Badlands South Unit, it will consider doing so.

7. The Service and the Tribe will work toward the objective of having members of the Tribe fill all Service positions in the Badlands South Unit. To achieve that end, the Service will encourage and assist Tribal members to train and qualify for all positions in the Badlands South Unit and within the Badlands North Unit as well, which are established pursuant to Civil Service regulations. Special emphasis will be given by the Service to the training of Oglala Sioux employees to fill vacancies in professional positions. Furthermore, qualified members of the Tribe will be given preferential rights to employment in the Badlands South Unit where the Service contracts for the performance of services, as permitted under Section 703 (i) of the Civil Rights Act of 1964, as amended.

8. The Tribe and duly authorized members of the Tribe shall have the right to produce and sell native handicraft objects at public recreational facilities which are located within the Badlands National Monument in accordance with concession contracts. The Service will encourage concessioners in the Badlands National Monument to purchase available handicraft items from the Tribe.

9. The Service shall render advisory assistance to the Tribe in the planning of recreation facilities or development on Pine Ridge Reservation lands outside the Badlands South Unit to the extent that appropriated funds and personnel are available therefore. Moreover, and in accordance with the terms of Section 6

of Public Law 90-468, if the Tribe offers to convey to the Secretary of the Interior certain tribal lands within the Pine Ridge Indian Reservation, but outside of the Badlands National Monument for the purpose of erecting thereon a visitors center, the Service shall accept such land and shall thereafter, subject to availability of appropriated funds and approval of building plans by both the Tribe and the Service, which approval shall not unreasonably be withheld, proceed to erect the visitors center at the earliest reasonable date. In this context the Service shall cooperate with the Tribe in amending the existing Master Plan for the Badlands National Monument to include recognition of development of recreational facilities in the Reservation area, subject to agreement between the Service and the Tribe.

10. The Service shall administer the lands included in the Badlands South Unit in accordance with the laws applicable to the Badlands National Monument and the rules in effect there now, or such amendments thereto as may be mutually agreed upon, to provide for the care, maintenance, preservation, and restoration of features of prehistoric, historic, scientific, or scenic interest on such included Tribal lands, and to develop upon the said lands such roads, trails or other structures or improvements as may be necessary in connection with the administration, visitor use, and protection of the Badlands South Unit, in accordance with the Master Plan, including subsequent mutually agreed upon amendments thereto.

11. Members of the Tribe who seek entry to the Badlands South Unit will be admitted without charge, even if entrance fees are required of non-members.

12. The Tribe and its duly authorized members may transport livestock, supplies, or materials through the Badlands South Unit, except that the Service may, by agreement with the Tribe, which shall not unreasonably be withheld, impose reasonable conditions as to time and locations so that there will be no interference with public safety or reasonable public recreation use.

13. The Service shall cooperate with the Tribe in training programs designed to develop an understanding between representatives of both parties to this Agreement. Such programs shall cover the fields of interpretation, conservation, fire protection, search and rescue, law enforcement, and local history. The objectives of such programs shall be to improve the skills of Service personnel and Tribal members and enhance their employment opportunities.

14. The Service recognizes and respects the Tribe's spiritual and religious beliefs. Members of the Tribe shall have unrestricted access in perpetuity to all areas of spiritual importance, which are identified in Appendix B, and which shall not be developed by the Service except with the Tribe's consent.

15. The Service shall, upon request of the Tribe, assist the Tribe in controlling public use of Tribal lands adjacent to the Badlands South Unit, within the framework of the Service's legal authority and subject to its available fund limitations and manpower ceilings.

16. ~~The Service shall, upon request of the Tribe, cooperate in any~~ efforts of the Tribe to obtain grants or loans, and to provide information relative to the Tribe's eligibility under any Federal programs for grants for concession development purposes within the Badlands National Monument.

17. (a) (1) If the Solicitor of the Department of the Interior shall determine that a dual entrance fee for visiting the Badlands National Monument may be charged by the Tribe and the United States under present law and this determination is not objected to by the cognizant Congressional committees within 60 days after submission thereto; or if the Solicitor rules that such dual fee may not be charged under present law but a statute is enacted by the United States authorizing the charging of such a dual fee; and
- (2) If a Federal entrance fee is actually imposed; the following rules shall govern:
- (i) Commencing with the tourist season of calendar year 1976, the Service shall collect a Tribal fee of \$.50 per vehicle from all persons entering the Badlands National Monument by private non-commercial vehicle and \$.25 from all persons entering the Monument by other means, if not exempted from the payment of such fee under the provisions of this Agreement. For purposes of this Agreement the term "tourist season" shall mean, at least, the period from May 1 - October 31, except when mitigating circumstances exist which make collections during said period infeasible.

(ii) Persons exempted from paying a National Park Service entrance fee because they exhibit, or accompany a person who exhibits a valid Golden Age passport, shall to the same extent be exempt from paying the Tribal entrance fee.

(iii) Persons exempted from paying a National Park Service entrance fee by reason of their inclusion in one of the exceptions, exclusions, or exemptions set forth in 43 C.F.R. §18.13 and all members of the Oglala Sioux Tribe shall be exempt from payment of the Tribal entrance fee.

(iv) Persons exempted from paying a National Park Service single-visit entrance fee because they hold a valid Golden Eagle Passport, or because they accompany, or occupy the same private non-commercial vehicle as a person holding a valid Golden Eagle Passport shall be admitted without payment of a Tribal entrance fee. The Service shall keep a record of the number of admissions to the Monument pursuant to Golden Eagle Passports.

(v) In 1977 and thereafter the Tribal entrance fee may, from time to time, as of the beginning of the tourist season, by agreement between the Tribe and the Service, be adjusted to reflect improvements in the programs offered to visitors to the Badlands National Monument and/or changes in the Consumer Price Index, but the Tribal fee shall never be less than the Federal fee.

(vi) The Tribe and the Service shall bear, in equal shares, the direct costs (i.e. salaries and other costs directly attributable to fee collection) of collecting the entrance fees.

(vii) If the percentage of entrances to the Badlands National Monument pursuant to Golden Eagle Passports should in any one tourist season exceed 25% of the total number of otherwise non-exempt entrances, the Tribal fee in the following year shall be fixed at such a level as would in the base year have resulted in the payment to the Tribe of 37-1/2% of the total net (i.e. -- after deduction of direct collection costs) amount of Federal and Tribal fees which would have been collected if holders of Golden Eagle Passports and those accompanying them had paid the same entrance fees that were paid by other non-exempt visitors. Nothing contained in this subparagraph shall be construed to require the Service to make payments to the Tribe from any funds other than the entrance fees collected under the provisions of this paragraph 17. However, if, in any tourist season, entry point net cash receipts do not suffice to provide the Tribe with its current year share plus any adjustments due from the previous season, this paragraph 17 shall be subject to renegotiation between the parties hereto in order to secure for the Tribe a fair share of the entry revenue which would be derived in the absence of Golden Eagle Passports.

(viii) The Tribe's share of fees collected at the Badlands National Monument shall be paid over to the Oglala Sioux Parks

Board, Inc. in semi-annual installments for use only in the development for recreation purposes of the Badlands National Monument and the Pine Ridge Indian Reservation and the operation of recreational facilities therein. The Board shall, after consultation with the Service, prepare an annual budget projecting its activities, revenues and expenditures for each year and shall submit copies of this budget to the Service and the Tribal Council for comments and suggestions. The Board shall also have prepared an annual audit of its operation and shall provide copies of this audit to the Service and the Tribal Council.

- (b) (1) As long as a dual fee may not lawfully be charged, or (2) if the Service does not impose a Federal Fee, the following rules shall govern:

(i) Between May 1 and October 31 annually except when mitigating circumstances exist which make collections during said period infeasible, and commencing with the calendar year 1976, the Service shall collect a Tribal fee of \$1.00 per vehicle from all persons entering the South Unit of the Badlands National Monument by private non-commercial vehicle and \$.50 from all persons entering the South Unit by other means, if not exempted from the payment of such fee under the provisions of this Agreement.

(ii) Persons exempted from paying a National Park Service entrance fee by reason of their inclusion in one of the exceptions, exclusions, or exemptions set forth in 43 C.F.R. §18.13 and all members of the Oglala Sioux Tribe shall be exempt from payment of the Tribal entrance fee.

(iii) The Tribe shall receive all proceeds of the Tribal fee collection except that the Service may deduct from the amount which it pays over to the Tribe the direct cost (i.e. salaries and other costs directly attributable to fee collection) of collecting the Tribal fee.

(iv) In 1977 and thereafter the Tribal entrance fee may, from time to time, as of the beginning of the tourist season, be adjusted by the Tribe to reflect improvements in the programs offered to visitors to the South Unit of the Badlands National Monument and/or changes in the Consumer Price Index.

18. Authorized representatives of the Tribe and the Service shall meet at least twice each year to review mutual objectives and programs, and to consider other matters of mutual concern which affect the development, protection and management of the Badlands South Unit. Such review shall take into account the Master Plan objectives of the Service and the Tribe.

19. The Tribe and the Service, subject to available fund limitations and manpower ceilings, shall use their resources cooperatively to develop an interpretive program for and the public recreation resources of the Pine Ridge Indian Reservation, including the Badlands South Unit, which will make the maximum use of the prehistoric, historic, scenic, scientific, and human resources of the region for public understanding and application. The program shall, when possible, use qualified members of the Tribe for interpretation and shall carry out the Oglala Sioux theme or motif.

20. The parties shall agree on wildlife control measures and land use practices related thereto designed to preserve indigenous species, including but not limited to the black-footed ferret, in accordance with the Endangered Species Act of 1973 as amended or as it may hereafter be amended. The parties, in administering wildlife control measures shall make every effort not to interfere unreasonably with the economic use of the land. The understandings between the parties as to prairie dog control are set forth in Appendix C.

21. Any part or parts of this Agreement, including any Appendix, may be amended or modified by mutual written consent at any time.

22. No member of, or Delegate to, Congress, or Resident Commissioner shall be admitted to any share or part of this contract or to any benefit that may arise therefrom, but this restriction shall not be construed to extend to this contract if made with a corporation or company for its general benefit.

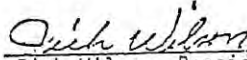
IN WITNESS WHEREOF, the said parties have hereunto

subscribed their names and affixed their seals.

ATTEST:


OGLALA SIOUX INDIAN TRIBE
OF SOUTH DAKOTA


Secretary, Oglala Sioux
Tribal Council

By 
Dick Wilson, President
Oglala Sioux Tribal Council

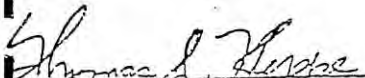
(SEAL)


NATIONAL PARK SERVICE

By 
Director, Rocky Mountain
Region

APPROVED:

UNITED STATES OF AMERICA


Secretary of the Interior

By 
Director, National Park Service

(SEAL)

DATE: Jan 2, 1976

MEMORANDUM OF AGREEMENT

LIST OF APPENDICIES

- Appendix A - Hunting regulations for the South Unit.
- Appendix B - Designation of ares of spiritual importance
in South Unit.
- Appendix C - Understanding of parties regarding prairie
dog control.

APPENDIX A

In the interest of promoting, perpetuating, and pre-
serving the species of animals now existing within the Badlands
South Unit, but recognizing the right of the Tribe to hunt thereon,
the Service shall set such reasonable hunting seasons and make such
reasonable hunting regulations for various species within the South
Unit as are consistent with the principles of good wildlife management.

APPENDIX B

The following areas are hereby identified as areas of spiritual importance to the Oglala Sioux Tribe. Members of the Oglala Sioux Tribe are guaranteed unrestricted access in perpetuity to these areas and the National Park Service shall not develop said areas except with the Tribe's written consent.

SHEEP MOUNTAIN

DESCRIPTION	SECTION	TOWNSHIP	RANGE	ACREAGE
SE ⁴	20	43N	44W	160
S ²	21	43N	44W	320
W2SW4	22	43N	44W	80
NW4NW4	27	43N	44W	40
ALL	28	43N	44W	640
E2SE4, NE4	29	43N	44W	240
Total:				1480

STRONGHOLD

ALL	22	42N	45W	640
E ²	21	42N	45W	320
ALL	27	42N	45W	640
ALL	28	42N	45W	640
E2E2	29	42N	45W	160
NE4, S2	32	42N	45W	480
A11	33	42N	45W	640
N2N2	34	42N	45W	160
Total:				3680

APPENDIX C

The parties are aware of a prairie dog/black footed ferret survey presently being carried on within the Pine Ridge Indian Reservation by the Fish and Wildlife Service. Both parties will devote their best efforts toward encouraging the swift completion of that survey. Upon completion of that survey, the Tribe and/or the Bureau of Indian Affairs shall be permitted to destroy all prairie dog towns in the South Unit in which black-footed ferrets have not been found and in which the presence of black-footed ferrets is not considered probable by the U.S. Fish and Wildlife Service. The Tribe shall comply with the Endangered Species Act of 1973 as amended or as it may hereafter be amended. In prairie dog colonies where the black-footed ferret is found or thought probably to be present, the Service shall assist the Tribe in taking effective control measures consistent with applicable law to make certain that such colonies do not expand beyond their present limits.

APPENDIX B: PARK LEGISLATION

U.S. Code Title 16 Chapter 1

Section 441. Badlands National Park; establishment

When a quantum, satisfactory to the Secretary of the Interior, of the privately owned lands lying within the area hereinafter described shall have been acquired and transferred to the United States for park purposes, without expense to the Federal Treasury, such areas are dedicated and set apart as a national park for the benefit and enjoyment of the people, under the name of the Badlands National Park: Provided, That the State of South Dakota shall have first constructed the highways hereinafter described.

Section 441a. Boundaries

The areas to be included in said Badlands National Park are situated in the State of South Dakota and lie within the boundaries particularly described as follows: Beginning at the northeast corner section 13, township 3 south, range 18 east, Black Hills meridian; thence west one-fourth mile; thence south one mile; thence west one-fourth mile; thence south one-fourth mile; thence west one mile; thence south one-fourth mile; thence west one-fourth mile; thence north one mile; thence west one and one-fourth miles; thence north one-half mile; thence west three miles, to the northwest corner section 18, township 3 south, range 18 east, Black Hills Meridian.

Thence north one-fourth mile; thence west one-half mile; thence north one-fourth mile; thence west three-fourth mile; thence south one-fourth mile; thence west one-fourth mile; thence north one-fourth mile; thence west one-fourth mile; thence north one-fourth mile; thence west three-fourths mile; thence south one-fourth mile; thence west one-half mile; thence south one-half mile; thence west one mile; thence north one-fourth mile; thence west one-fourth mile; thence north one-fourth mile; thence west one and one-fourth miles; thence north one-fourth mile; thence west one-fourth mile; thence north three-fourths mile; thence west one and one-fourth miles; thence north one-half mile, to the northeast corner section 2, township 3 south, range 16 east, Black Hills meridian.

Thence west one-half mile; thence north one mile; thence west one-fourth mile; thence north one-half mile; thence west three-fourths mile; thence north one-half mile; thence west one-half mile; thence north two miles; thence west eight miles; thence south one-half mile; thence west one mile; thence north one-half mile, to the northeast corner section 13, township 2 south, range 14 east, Black Hills meridian.

Thence west one mile; thence south one mile; thence east one-half mile; thence south one-half mile; thence west one-half mile; thence south two and one-half miles; thence east one and one-fourth miles; thence south one mile; thence east three-fourths mile, to the northeast corner section 7, township 3 south, range 15 east, Black Hills meridian.

Thence south one-fourth mile; thence east one-fourth mile; thence south one-half mile; thence west one-fourth mile; thence south one-fourth mile; thence west one mile; thence south one and three-fourths miles; thence east one mile; thence north three-fourths mile; thence east two miles; thence north one-half mile; thence east three-fourths mile; thence north one-fourth mile; thence east one-half mile; thence north three-fourths mile; thence west one-fourth mile; thence north three-fourths mile; thence west one-fourth mile; thence north one-fourth mile; thence west one-fourth mile; thence north one-fourth mile; thence east one-

fourth mile; thence north one-half mile; thence east one mile; thence south one-fourth mile; thence east one and three-fourths miles; thence north one-half mile; thence west one-half mile; thence north one-half mile, to the northwest corner section 31, township 2 south, range 16 east, Black Hills meridian.

Thence east one-half mile; thence south one-fourth mile; thence east one mile; thence south one-fourth mile; thence east one and three-fourths miles; thence south three-fourths mile; thence east three-fourths mile; thence south three-fourths mile; thence east one-half mile; thence south one-fourth mile; thence east one-fourth mile; thence south one-fourth mile; thence east one-fourth mile; thence south one-fourth mile; thence east one-fourth mile; thence south one-fourth mile; thence east one-fourth mile; thence south one-fourth mile; thence east one-half mile; thence south one and one-fourth miles; thence east three-fourths mile; thence north one-half mile; thence east one-fourth mile, to the northeast corner section 19, township 3 south, range 17 east, Black Hills meridian.

Thence north one-half mile; thence east three-fourths mile; thence south two miles; thence east one and one-half miles; thence north one and one-half miles; thence east two miles; thence south one-fourth mile; thence east one-fourth mile; thence south one-fourth mile; thence east one-half mile; thence south one-fourth mile; thence east one-half mile; thence south one-fourth mile; thence east one-half mile, to the northeast corner section 30, township 3 south, range 18 east, Black Hills meridian.

Thence south three-fourths mile; thence east one-fourth mile; thence south one-fourth mile; thence east one-half mile; thence north one-fourth mile; thence east one and one-fourth miles; thence south one-fourth mile; thence east three miles, to the northeast corner of section 36, township 3 south, range 18 east, Black Hills meridian.

Thence north one mile; thence east one mile; thence north one-half mile; thence west one-fourth mile; thence north one-fourth mile; thence west one-fourth mile; thence north one and one-fourth miles; thence west one-half mile to the point of beginning.

Section 441b. Construction of highway by State of South Dakota

The establishment of said park is conditioned upon the State of South Dakota first constructing the following highway in a manner satisfactory to the Secretary of the Interior: A highway commencing at the corporation limits of the town of Interior, thence going in a northwesterly direction to and over Big Foot Pass, and through the region known as The Pinnacles; thence in a westerly direction to Sage Creek, being a total distance of about thirty miles.

Section 441c. Administration, protection, and promotion; franchises for hotel and lodge accommodations

The administration, protection, and promotion of said Badlands National Park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1, 2, 3, and 4 of this title: Provided, That in advance of the fulfillment of the conditions herein the Secretary of the Interior may grant franchises for hotel and for lodge accommodations under the provisions of this section.

Section 441d. Examinations, excavations, and gathering of objects of interest within park

The Secretary of the Interior is authorized to permit examinations, excavations, and gathering of objects of interest within said park by any person or persons whom he may deem properly qualified to conduct such examinations, excavations, or gatherings, subject to such rules and regulations as he may prescribe: Provided, That the examinations, excavations, and gatherings are undertaken only for the benefit of some reputable museum, university, college, or other recognized scientific or educational institution, with a view to increasing the knowledge of such objects and aiding the general advancement of geological and zoological science.

Section 441e. Effective date of sections 441 to 441d

Sections 441 to 441d of this title shall become effective if and when all of the above conditions shall have been fully complied with to the satisfaction of the President of the United States, who shall then issue a proclamation declaring that the conditions precedent herein required have been complied with, and said proclamation shall formally dedicate and set aside the areas herein described in accordance with the provisions of section 441 of this title.

Section 441e-1. Change in name of Badlands National Monument

The area formerly known as the “Badlands National Monument,” established by Presidential Proclamation of January 25, 1939 (53 Stat. 2521), shall henceforth be known as the “Badlands National Park.”

Section 441f. Adjustment and redefinition of boundaries

In order to establish a more appropriate boundary for the Badlands National Park and to consolidate Federal land ownership therein, the Secretary of the Interior, in his discretion, is authorized to adjust and redefine the exterior boundaries of the national park by appropriate reductions or additions of land: Provided, That the total acreage of the national park, as revised pursuant to sections 441f to 441i of this title, shall not exceed its area of approximately one hundred fifty-four thousand one hundred and nineteen acres as of May 7, 1952.

Section 441g. Orders to effectuate revision of boundaries; publication

The revision of boundaries of the national park, as authorized in section 441f of this title, shall be accomplished by the issuance, by the Secretary of the Interior, of an appropriate order, or orders, such order or orders to be effective upon publication in the *Federal Register*: Provided, That federally owned land under the administrative jurisdiction of any other department or agency of the Federal Government shall be included within the park only with the approval of the head of such department or agency.

Section 441h. Jurisdiction of mining and mineral rights; patents

Administrative jurisdiction over all Federal lands eliminated from the park, by the issuance of an order or orders of the Secretary of the Interior, is transferred to the Secretary of Agriculture for use, administration, and disposition in accordance with the provisions of title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.) and the related provisions of title IV thereof: Provided, That all of such lands formerly set apart and reserved from the public domain shall be subject to the mining and

minerals-leasing laws: And provided further, That any disposition of any such lands formerly set apart and reserved from the public domain shall be evidenced by patents issued by the Secretary of the Interior.

Section 441i. Exchanges of land

In order that exchanges of land may be effectuated for the purposes of sections 441f to 441i of this title, the Secretary of the Interior is authorized, in his discretion and in accordance with the provisions of section 255 of title 40, to accept, on behalf of the United States, title to any land or interests in land within the exterior boundaries of the Badlands National Park as revised pursuant to sections 441f to 441i of this title, and, in exchange therefor, with the approval and concurrence of the Secretary of Agriculture, the Secretary of the Interior may patent lands of approximately equal value which were formerly set apart and reserved from the public domain within the Badlands Fall River soil conservation project, SD-LU-1. In effectuating such exchanges, in lieu of conveyances by the Secretary of the Interior, the Secretary of Agriculture may convey lands of approximately equal value within said project which have been acquired heretofore by the United States. All such exchanges shall, in all other respects, be considered as exchanges under the provisions of section 32c, title III, of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1011(c)) and shall otherwise be in accordance with provisions of said Act (7 U.S.C. 1000 et seq.); except that, upon acceptance of title to any lands so acquired by the United States under this section, such lands and any other lands acquired otherwise by the United States within the park boundaries shall be a part of that area. In consummating land exchanges hereunder upon an equitable basis, patents and instruments of conveyance may be issued, and property may be accepted, by the United States, subject to such reservations as may be necessary or in the public interest.

Section 441j. Revision of boundaries

In order to include lands of outstanding scenic and scientific character in the Badlands National Park, the boundaries of the park are revised as generally depicted on the map entitled "Badlands National Monument," numbered NM-BL-7021B, dated August 1967, which is on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior may make minor adjustments in the boundaries, but the total acreage in the park may not exceed the acreage within the boundaries depicted on the map referred to herein. Lands within the boundaries of the park that are acquired by the United States shall be subject to the laws and regulations applicable to the park.

Section 441k. Acquisition of property for park

- (a) Consent of State or Oglala Sioux Tribe of South Dakota; transfer from Federal agency
- Subject to the provisions of subsection (b) of this section, the Secretary of the Interior may, within the boundaries of the park, acquire lands and interests in lands by donation, purchase with donated or appropriated funds, or exchange, except that any lands or interests in lands owned by the State of South Dakota, a political subdivision thereof, or the Oglala Sioux Tribe of South Dakota may be acquired only with the consent of owner. Notwithstanding any other provision of law, lands and interests in lands located within the park under the administrative jurisdiction of any other Federal agency may be transferred to the administrative jurisdiction of the Secretary without a transfer of funds.

(b) Easements

As to lands located within the boundaries of the park but outside the boundaries of the gunnery range referred to in section 441l of this title, the Secretary of the Interior may acquire only rights-of-way and scenic easements.

Section 441l. Exchange of lands; transfer from Federal agency to administrative jurisdiction of Secretary; terms and conditions of purchase

Inasmuch as (A) most of the lands added to the Badlands National Park by section 441j of this title are inside the boundaries of the Pine Ridge Sioux Indian Reservation, (B) such lands are also within a tract of land forty-three miles long and twelve and one-half miles wide which is in the north-western part of such Indian reservation and has been used by the United States Air Force as a gunnery range since the early part of World War II, (C) the tribal lands within such gunnery range were leased by the Federal Government and the other lands within such gunnery range were purchased by the Federal Government from the individual owners (mostly Indians), (D) the Department of the Air Force has declared most of such gunnery range lands excess to its needs and such excess lands have been requested by the National Park Service under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), (E) the leased tribal lands and the excess lands within the enlarged Badlands National Park are needed for the park, (F) the other excess lands in such gunnery range should be restored to the former Indian owners of such lands, and (G) the tribe is unwilling to sell its tribal lands for inclusion in the national park, but is willing to exchange them or interests therein for the excess gunnery range lands, which, insofar as the lands within the gunnery range formerly held by the tribe are concerned, should be returned to Indian ownership in any event, the Congress hereby finds that such exchange would be in the national interest and authorizes the following actions:

- (a) All Federal lands and interests in lands within the Badlands Air Force gunnery range that are outside the boundaries of the park and that heretofore or hereafter are declared excess to the needs of the Department of the Air Force shall be transferred to the administrative jurisdiction of the Secretary of the Interior without a transfer of funds.
- (b) Any former Indian or non-Indian owner of a tract of such land, whether title was held in trust or fee, may purchase such tract from the Secretary of the Interior under the following terms and conditions:
 - (1) The purchase price to a former Indian owner shall be the total amount paid by the United States to acquire such tract and all interests therein, plus interest thereon from the date of acquisition at a rate determined by the Secretary of the Treasury taking into consideration the average market yield of all outstanding marketable obligations of the United States at the time the tract was acquired by the United States, adjusted to the nearest one-eighth of 1 per centum. The purchase price to a former non-Indian owner shall be present fair market value of the tract as determined by the Secretary of the Interior.
 - (2) Not less than \$100 or 20 per centum of the purchase price, whichever is less, shall be paid at the time of purchase, and the balance shall be payable in not to exceed 20 years with interest at a rate determined by the Secretary of the Treasury taking into account the current average market yield on outstanding marketable obligations of the United States with twenty years remaining to date of maturity, adjusted to the nearest one-eighth of 1 per centum.

- (3) Title to the tract purchased shall be held in trust for the purchaser if it was held in trust status at the time the tract was acquired by the United States; otherwise, the title to the tract purchased shall be conveyed to the purchaser subject to a mortgage and such other security instruments as the Secretary deems appropriate. If a tract purchased under this subsection is offered for resale during the following ten-year period, the tribe must be given the first right to purchase it.
- (4) The unpaid balance of the purchase price shall be a lien against the land if the title is held in trust and against all rents, bonuses, and royalties received therefrom. In the event of default in the payment of any installment of the purchase price the Secretary may take such action to enforce the lien as he deems appropriate, including foreclosure and conveyance of the land to the Oglala Sioux Tribe.
- (5) An application to purchase the tract must be filed with the Secretary of the Interior within one year from the date a notice is published in the *Federal Register* that the tract has been transferred to the jurisdiction of the Secretary.
- (6) No application may be filed by more than five of the former owners of an interest in the tract. If more than one such application is filed for a tract the applicants must agree on not more than five of the former owners who shall make the purchase, and failing such agreement all such applications for the tract shall be rejected by the Secretary.
- (7) "Former owner" means, for the purposes of subsection (b) of this section, each person from whom the United States acquired an interest in the tract, or if such person is deceased, his spouse, or if such spouse is deceased, his children.

Section 441m. Disposition of excess gunnery range lands and reservation lands; purchase; terms and conditions; life estates and use restrictions

(a) Gunnery range lands; reservation lands

All Federal lands and interests in lands within the Badlands Air Force gunnery range that are outside the boundaries of the park, and that have been declared excess to the needs of the Department of the Air Force, and that are not purchased by former owner under section 441l(b) of this title, and all lands that have been acquired by the United States under authority of title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), and subsequent relief Acts, situated within the Pine Ridge Indian Reservation, administrative jurisdiction over which has heretofore been transferred by the President from the Secretary of Agriculture to the Secretary of the Interior by Executive Order Numbered 7868, dated April 15, 1938, shall be subject to the following provisions of this section.

(b) Purchases

Any former Indian owner of land that is within the Badlands Air Force gunnery range and outside the boundaries of the park and that has not been declared excess to the needs of the Department of the Air Force on August 8, 1968, may, within the period specified in section 441l(b)(5) of this title, elect (i) to purchase an available tract of land described in subsection (a) of this section of substantially the same value, or (ii) to purchase the tract formerly owned by him at such time as such tract is declared excess and transferred to the Secretary of the Interior as provided in section 441l(a) of this title.

(c) Life estates and use restrictions

Any former Indian owner of a tract of land within the boundaries of the park that was acquired by the United States for the Badlands Air Force gunnery range, and that is transferred to the Secretary of the Interior pursuant to section 441k of this title, may, within the period specified in section 441l(b)(5) of this title, elect (i) to acquire from the Secretary of the Interior a life estate in such tract at no cost, subject to restrictions on use that may be prescribed in regulations applicable to the park, or (ii) to purchase an available tract of land described in subsection (a) of this section of substantially the same value.

(d) Purchase restrictions

Purchases under subsection (b) and clause (ii) of subsection (c) of this section shall be made on the terms provided in section 441l(b) of this title.

Section 441n. Lands outside gunnery range; exchange of lands; reservation of mineral rights; grazing and mineral development rights of Indians; execution of instruments; trust title

(a) Exchange of lands; mineral and grazing rights

Title to all Federal lands and interests in land within the boundaries of the Badlands Air Force gunnery range that are outside the boundaries of the park, and that are transferred to the administrative jurisdiction of the Secretary of the Interior as provided in section 441l(a) of this title, including lands hereafter declared to be excess, and that are not selected under sections 441l(b) or 441m of this title, and title to all lands within the boundaries of the park that were acquired by the United States for the Badlands Air Force gunnery range, subject to any life estate conveyed pursuant to section 441m(c) of this title and subject to restrictions on use that may be prescribed in regulations applicable to the park, which regulations may include provisions for the protection of the black-footed ferret, may be conveyed to the Oglala Sioux Tribe in exchange (i) for the right of the United States to use all tribal land within the park for park purposes, including the right to manage fish and wildlife and other resources and to construct visitor use and administrative facilities thereon, and (ii) for title to three thousand one hundred fifteen and sixty-three one-hundredths acres of land owned by the Oglala Sioux Tribe and located in the area of the Badlands Air Force gunnery range which is not excess to the needs of the Department of the Air Force and which is encompassed in civil action numbered 859 W. D. in the United States District Court for the District of South Dakota, if such exchange is approved by the Oglala Sioux Tribal Council. The lands acquired under paragraph (ii) shall become a part of the Badlands Air Force gunnery range retained by the Department of the Air Force. The United States and the Oglala Sioux Tribe shall reserve all mineral rights in the lands so conveyed. The right of the United States to use for park purposes lands that were tribally owned prior to August 8, 1968, shall not impair the right of the Oglala Sioux Tribe to use such lands for grazing purposes and mineral development, including development for oil and gas.

(b) Execution of instruments

The Oglala Sioux Tribal Council may authorize the execution of the necessary instruments to effect the exchange on behalf of the tribe, and the Secretary may execute the necessary instruments on behalf of the United States.

(c) Trust title

After the exchange is effected the title of the Oglala Sioux Tribe to the property acquired by the exchange shall be held in trust subject to the same restrictions and authorities that apply to other lands of the tribe that are held in trust.

Section 441o. Facilities for interpretation of park and history of Sioux Nation; conveyance of reservation lands; submission of terms to Congressional committees

The Oglala Sioux Tribe may convey and the Secretary of the Interior may acquire not to exceed forty acres of tribally owned lands on the Pine Ridge Indian Reservation for the purpose of erecting thereon permanent facilities to be used to interpret the natural phenomena of the park and the history of the Sioux Nation: Provided, That no such conveyance shall be made until sixty days after the terms thereof have been submitted to the Interior and Insular Affairs Committees of the House of Representatives and the Senate.

Public Law 90-468

August 8, 1968 | [H. R. 9098] 82 Stat. 663

AN ACT

To revise the boundaries of the Badlands National Monument in the State of South Dakota, to authorize exchanges of land mutually beneficial to the Oglala Sioux Tribe and the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to include lands of outstanding scenic and scientific character in the Badlands National Monument, the boundaries of the monument are revised as generally depicted on the map entitled "Badlands National Monument", numbered NM-BL-7021B, dated August 1967, which is on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior may make minor adjustments in the boundaries, but the total acreage in the monument may not exceed the acreage within the boundaries depicted on the map referred to herein. Lands within the boundaries of the monument that are acquired by the United States shall be subject to the laws and regulations applicable to the monument.

SEC. 2.

(a) Subject to the provisions of subsection (b) hereof, the Secretary of the Interior may, within the boundaries of the monument, acquire lands and interests in lands by donation, purchase with donated or appropriated funds, or exchange, except that any lands or interests in lands owned by the State of South Dakota, a political subdivision thereof, or the Oglala Sioux Tribe of South Dakota may be acquired only with the consent of owner. Notwithstanding any other provision of law, lands and interests in lands located within the monument under the administrative jurisdiction of any other Federal agency may be transferred to the administrative jurisdiction of the Secretary without a transfer of funds.

(b) As to lands located within the boundaries of the monument but outside the boundaries of the gunnery range referred to in section 3 hereof, the Secretary of the Interior may acquire only rights-of-way and scenic easements.

SEC. 3.

Inasmuch as (A) most of the lands added to the Badlands National Monument by section 1 of this Act are inside the boundaries of the Pine Ridge Sioux Indian Reservation, (B) such lands are also within a tract of land forty-three miles long and twelve and one-half miles wide which is in the northwestern part of such Indian reservation and has been used by the United States Air Force as a

gunnery range since the early part of World War II, (C) the tribal lands within such gunnery range were leased by the Federal Government and the other lands within such gunnery range were purchased by the Federal Government from the individual owners (mostly Indians), (D) the Department of the Air Force has declared most of such gunnery range lands excess to its needs and such excess lands have been requested by the National Park Service under the Federal Property and Administrative Services Act of 1949, (E) the leased tribal lands and the excess lands within the enlarged Badlands National Monument are needed for the monument, (F) the other excess lands in such gunnery range should be restored to the former Indian owners of such lands, and (G) the tribe is unwilling to sell its tribal lands for inclusion in the national monument, but is willing to exchange them or interests therein for the excess gunnery range lands, which, insofar as the lands within the gunnery range formerly held by the tribe are concerned, should be returned to Indian ownership in any event, the Congress hereby finds that such exchange would be in the national interest and authorizes the following actions:

(a) All Federal lands and interests in lands within the Badlands Air Force gunnery range that are outside the boundaries of the monument and that heretofore or hereafter are declared excess to the needs of the Department of the Air Force shall be transferred to the administrative jurisdiction of the Secretary of the Interior without a transfer of funds.

(b) Any former Indian or non-Indian owner of a tract of such land, whether title was held in trust or fee, may purchase such tract from the Secretary of the Interior under the following terms and conditions:

(1) The purchase price to a former Indian owner shall be the total amount paid by the United States to acquire such tract and all interests therein, plus interest thereon from the date of acquisition at a rate determined by the Secretary of the Treasury taking into consideration the average market yield of all outstanding marketable obligations of the United States at the time the tract was acquired by the United States, adjusted to the nearest one-eighth of 1 per centum. The purchase price to a former non-Indian owner shall be the present fair market value of the tract as determined by the Secretary of the Interior.

(2) Not less than \$100 or 20 per centum of the purchase price, whichever is less, shall be paid at the time of purchase, and the balance shall be payable in not to exceed 20 years with interest at a rate determined by the Secretary of the Treasury taking into account the current average market yield on outstanding marketable obligations of the United States with twenty years remaining to date of maturity, adjusted to the nearest one-eighth of 1 per centum.

(3) Title to the tract purchased shall be held in trust for the purchaser if it was held in trust status at the time the tract was acquired by the United States; otherwise, the title to the tract purchased shall be conveyed to the purchaser subject to a mortgage and such other security instruments as the Secretary deems appropriate. If a tract purchased under this subsection is offered for

resale during the following ten-year period, the tribe must be given the first right to purchase it.

(4) The unpaid balance of the purchase price shall be a lien against the land if the title is held in trust and against all rents, bonuses, and royalties received therefrom. In the event of default in the payment of any installment of the purchase price the Secretary may take such action to enforce the lien as he deems appropriate, including foreclosure and conveyance of the land to the Oglala Sioux Tribe.

(5) An application to purchase the tract must be filed with the Secretary of the Interior within one year from the date a notice is published in the Federal Register that the tract has been transferred to the jurisdiction of the Secretary.

(6) No application may be filed by more than five of the former owners of an interest in the tract. If more than one such application is filed for a tract the applicants must agree on not more than five of the former owners who shall make the purchase, and failing such agreement all such applications for the tract shall be rejected by the Secretary.

(7) "Former owner" means, for the purposes of subsection (b) of this section, each person from whom the United States acquired an interest in the tract, or if such person is deceased, his spouse, or if such spouse is deceased, his children.

SEC. 4.

(a) All Federal lands and interests in lands within the Badlands Air Force gunnery range that are outside the boundaries of the monument, and that have been declared excess to the needs of the Department of the Air Force, and that are not purchased by former owners under section 3 (b), and all lands that have been acquired by the United States under authority of title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), and subsequent relief Acts, situated within the Pine Ridge Indian Reservation, administrative jurisdiction over which has heretofore been transferred by the President from the Secretary of Agriculture to the Secretary of the Interior by Executive Order Numbered 7868, dated April 15, 1938, shall be subject to the following provisions of this section.

(b) Any former Indian owner of land that is within the Badlands Air Force gunnery range and outside the boundaries of the monument and that has not been declared excess to the needs of the Department of the Air Force on the date of the enactment of this Act may, within the period specified in section 3 (b) (5), elect (i) to purchase an available tract of land described in section 4 (a) of substantially the same value, or (ii) to purchase the tract formerly owned by him at such time as such tract is declared excess and transferred to the Secretary of the Interior as provided in section 3 (a).

(c) Any former Indian owner of a tract of land within the boundaries of the monument that was acquired by the United States for the Badlands Air Force gunnery range, and that is transferred to the Secretary of the Interior pursuant to section 2 of this Act, may, within the period specified in section 3 (b) (5), elect (i) to acquire from the Secretary of the Interior a life estate in such tract at no cost, subject to restrictions on use that may be prescribed in regulations applicable to the monument, or (ii) to purchase an available tract of land described in section 4 (a) of substantially the same value.

(d) Purchases under subsection (b) and clause (ii) of subsection (c) of this section shall be made on the terms provided in section 3 (b).

SEC. 5.

(a) Title to all Federal lands and interests in lands within the boundaries of the Badlands Air Force gunnery range that are outside the boundaries of the monument, and that are transferred to the administrative jurisdiction of the Secretary of the Interior as provided in section 3 (a), including lands hereafter declared to be excess, and that are not selected under sections 3 (b) or 4, and title to all lands within the boundaries of the monument that were acquired by the United States for the Badlands Air Force gunnery range, subject to any life estate conveyed pursuant to section 4 (c) and subject to restrictions on use that may be prescribed in regulations applicable to the monument, which regulations may include provisions for the protection of the black-footed ferret, may be conveyed to the Oglala Sioux Tribe in exchange (i) for the right of the United States to use all tribal land within the monument for monument purposes, including the right to manage fish and wildlife and other resources and to construct visitor use and administrative facilities thereon, and (11) for title to three thousand one hundred fifteen and sixty-three one-hundredths acres of land owned by the Oglala Sioux Tribe and located in the area of the Badlands Air Force gunnery range which is not excess to the needs of the Department of the Air Force and which is encompassed in civil action numbered 859 W.D. in the United States District Court for the District of South Dakota, if such exchange is approved by the Oglala Sioux Tribal Council. The lands acquired under paragraph (ii) shall become a part of the Badlands Air Force gunnery range retained by the Department of the Air Force. The United States and the Oglala Sioux Tribe shall reserve all mineral rights in the lands so conveyed. The right of the United States to use for monument purposes lands that were tribally owned prior to the date of this Act shall not impair the right of the Oglala Sioux Tribe to use such lands for grazing purposes and mineral development, including development for oil and gas.

(b) The Oglala Sioux Tribal Council may authorize the execution of the necessary instruments to effect the exchange on behalf of the tribe, and the Secretary may execute the necessary instruments on behalf of the United States.

(c) After the exchange is effected the title of the Oglala Sioux Tribe to the property acquired by the exchange shall be held in trust subject to the same restrictions and authorities that apply to other lands of the tribe that are held in trust.

SEC. 6.

The Oglala Sioux Tribe may convey and the Secretary of the Interior may acquire not to exceed forty acres of tribally owned lands on the Pine Ridge Indian Reservation for the purpose of erecting thereon permanent facilities to be used to interpret the natural phenomena of the monument and the history of the Sioux Nation: *Provided*, That no such conveyance shall be made until sixty days after the terms thereof have been submitted to the Interior and Insular Affairs Committees of the House of Representatives and the Senate.

Approved, August 8, 1968.

APPENDIX C: LAWS, POLICIES, RESOLUTIONS, AND ORDINANCES

National Park Service Laws and Policies

The Organic Act of 1916 (16 USC 1, et seq.). The National Park Service Organic Act remains after some 86 years the core of park service authority and the definitive statement of the purposes of the parks and of the National Park Service's mission: "to promote and regulate the use of the federal areas known as national parks, monuments, and reservations...by such means and measures as conform to the[ir] fundamental purpose...to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such a manner and by such means as will leave them unimpaired for the enjoyment of future generations."

National Historic Preservation Act of 1966, as amended (Sec. 106 and Sec. 110, 16 USC 470; 36 CFR 800). The purpose of this Act is to protect and preserve districts, sites and structures, and architectural, archeological, and cultural resources. Section 106 requires consultation with the State Historic Preservation Office. Section 110 requires that the National Park Service identify and nominate all eligible resources under its jurisdiction to the National Register of Historic Places.

National Environmental Policy Act of 1969 (Title 42 U.S. Code sections 4321 to 4370 [42 USC 4321-4370]). This landmark environmental protection legislation requires that federal decision-makers seek a balance between use and preservation of natural and cultural resources. NEPA requires all federal agencies to prepare in-depth studies of the impacts of and alternatives to proposed "major federal actions"; to use the information contained in such studies when deciding whether to proceed with the actions; and to diligently attempt to involve the interested and affected public before any decision affecting the environment is made. Implementing regulations for the National Environmental Policy Act are contained in Parts 1500 to 1508 of Title 40 of the U.S. Code of Federal Regulations (40 CFR 1500-1508).

General Authorities Act of 1970 (16 USC 1). This Act affirms that all national park areas are "united through their interrelated purposes and resources into one national park system, as cumulative expressions of a single national heritage."

Clean Air Act (42 USC 7401-7671q). The main purpose of this 1970 Act and its 1990 amendment is the protection and enhancement of the nation's air quality to promote public health and welfare. The Act establishes specific programs that provide special protection for air resources and air quality-related values associated with National Park System units. The U.S. Environmental Protection Agency has been charged with implementing the Act.

Executive Order 11593, "Protection and Enhancement of the Cultural Environment," May 13, 1971. This Executive Order directs Federal agencies to inventory cultural properties under their jurisdiction, to nominate to the National Register all federally owned properties that meet the criteria, to use due caution until the inventory and nomination processes are completed, and also to assure that Federal plans and programs contribute to preservation and enhancement of non-Federal properties. Some of the provisions of the Executive Order were turned into Section 110 of the National Historic Preservation Act.

Endangered Species Act of 1973 (16 USC 1531-1544). According to this Act, any potential action by a federal agency that may affect endangered, threatened, or proposed species must be evaluated in consultation with either the Fish and Wildlife Service or the Marine Fisheries Service, as appropriate.

Archeological and Historic Preservation Act of 1974, as amended (16 USC 469-469e). This Act requires survey, recovery, and preservation of significant scientific, prehistorical, historical, archeological or paleontological data when such data may be destroyed due to a federal project. The Act directs federal agencies to notify the Secretary of the Interior whenever they find that such a project may cause loss or damage.

The Redwood Act of 1978 (16 USC 1a-1). Congress supplemented and clarified the provisions of the Organic Act through enactment of the General Authorities Act in 1970, and again through enactment of a 1978 amendment to that law (the “Redwood Amendment”) contained in a bill expanding Redwood National Park. This Act states that the provisions of the Organic Act apply to all units of the National Park System. A key phrase is that activities “shall not be exercised in derogation of the values and purposes for which these areas have been established.” It is applicable unless Congress has “directly and specifically provided” otherwise.

National Parks and Recreation Act of 1978 (PL 95-625). Section 604(b) of this act requires that general management plans be prepared and revised in a timely manner for each unit in the national park system. The act further specifies that general management plans shall include measures for the preservation of the area’s resources, indications of the types and intensities of development associated with public use of the unit, visitor carrying capacities for all areas of the unit, and indications of potential modifications of the unit’s external boundaries, if needed.

Council on Environmental Quality Regulations, as amended (40 CFR 1500-1508). These regulations implement the National Environmental Policy Act and provide guidance to federal agencies in the preparation of environmental documents identified under the Act.

Archeological Resources Protection Act of 1979 [16 USC 470aa (1988)]. This Act defines archeological resources as any material remains of past human life or activities that are of archeological interest and at least 100 years old; requires federal permits for their excavation or removal, and sets penalties for violators; provides for preservation and custody of excavated materials, records, and data; provides for confidentiality of archeological site locations; and encourages cooperation with other parties to improve protection of archeological resources. The Act was amended in 1988 to require development of plans for surveying public lands for archeological resources, and systems for reporting incidents of suspected violations.

Executive Order 13007, “Indian Sacred Sites,” May 24, 1996. This Executive Order instructs each executive branch agency with statutory or administrative responsibility for the management of federal lands to 1) accommodate to the extent practicable, permitted by law, and not clearly inconsistent with essential agency functions, access to and ceremonial use of Indian sacred sites by Indian religious practitioners, 2) avoid adversely affecting the physical integrity of such sacred sites, and 3) where appropriate, maintain the confidentiality of such sites.

Paleontological Resources Preservation Act (Omnibus Public Land Management Act of 2009 (Pub.L. 111-11)). This Act prohibits taking or damaging paleontological resources located on federal lands without a permit or permission, selling or purchasing such resources received from federal lands, or submitting false records or identification for such resources removed from federal lands. (Paleontological resources include fossilized remains, traces, or imprints of organisms that are preserved in or on the Earth's crust.) The Act also establishes criminal and civil penalties for unlawful activities related to paleontological resources.

Oglala Sioux Tribal Laws, Resolutions, and Ordinances

The following list provides a brief description of the OST laws, resolutions, and ordinances that apply to managing the South Unit.

Resolution 06-23. Resolution of the OST approving the protocols of the transfer of management of the South Unit from the NPS to OST and charging OSPRA with developing and presenting the plan to the Tribal Council (adopted March 29, 2006).

Resolution 05-23XB. Resolution of the Executive Committee of the OST creating a Tribal Historic Preservation Officer to serve the Pine Ridge Indian Reservation, building the Tribal Historic Preservation Program to administer the Tribe's Historic Preservation ordinance, and establishing the Oglala Lakota Historic Advisory Council (February 23, 2005).

Resolution 05-54XB. Resolution of the Executive Committee of the OST amending 05-23XB. This resolution authorizes the Tribal Historic Preservation Officer to develop a paleontological resources protection ordinance and to assert exclusive Tribal jurisdiction over all paleontological resources within the exterior of the reservation, including the South Unit (June 23, 2005).

Resolution 03-59XB. Resolution of the Executive Committee of the OST appointing a member of the Tribal working group to meet with representatives of the NPS for the purpose of establishing Tribal management of the South Unit (June 11, 2003).

Resolution 03-61XB. Resolution of the Executive Committee of the OST calling upon the U.S. Department of the Interior to restore full funding for the Lakota Cultural Heritage Center (June 11, 2003).

Resolution 02-91. Resolution of the OST to establish a moratorium on the excavation of fossils in the South Unit, pending the renegotiation of the 1976 Memorandum of Agreement between NPS and OST (September 4, 2002).

Resolution 01-2XB. Resolution of the Executive Committee of the OST approving the Memorandum of Agreement between the OST and the NPS and establishing roles and responsibilities in order to carry out program objectives of the Lakota Heritage Education Center (June 6, 2001).

Resolution 01-02. Resolution of the OST stating that the decision on the location of the Lakota Cultural Heritage Center will be made by the Land Committee and the Economic Business and Development Council, with the final decision being made by the OST (January 23, 2001).

Resolution 01-26. Resolution of the OST establishing the permanent location of the Lakota Cultural Heritage Center at Red Shirt Table (April 2, 2001).

Resolution 01-115. Resolution of the OST to create a federal Tribal team to coordinate all efforts to establish the OST Lakota Heritage Education Center and scenic byway project (October 31, 2001).

Resolution 00-08XB. Resolution of the Executive Council of the OST authorizing a 50-year lease between the OST and the NPS for an Oglala Lakota Cultural Heritage Center (November 27, 2000).

Resolution 99-85XB. Resolution of the Executive Council of the OST acknowledging the support of the OSPRA strategy to plan the Oglala Lakota cultural and historical park and the OST Transportation Department development strategy to develop the roads within and through the South Unit to the Visitor Center between the OST and the NPS (December 30, 1999).

Resolution 99-119. Resolution of OSPRA of OST selection of the Lakota Cultural Heritage Center site between the OST and NPS (November 1, 1999).

Ordinance 96-19. Ordinance of the OST requiring all Tribal programs and all planning activities on the Badlands Bombing Range to request and receive a clearance from the Badlands Bombing Range Program and Land Committee before beginning such activity (December 2, 1996).

APPENDIX D: COST COMPARISON OF THE ALTERNATIVES

Table D-1 provides a comparison of the annual operating costs, staffing needs, total one-time costs, facility costs, non-facility costs, and other costs as presented in each of the alternatives.

TABLE D-1. COST COMPARISON MATRIX

Associated Element	Cost			
	Alternative A: No Action (Continue Current Management)	Alternative B: Expand Interpretive Opportunities	Alternative C: Focus on Resource Protection / Preservation	Alternative D: Protect Resources while Expanding Interpretive Experience (Preferred Alternative)
Annual Operating Cost (ONPS)	\$166,000	\$3,300,000	\$2,500,000	\$3,100,000
Staffing (FTE)	2	25	21	26
Total One-Time Costs	0	\$26,900,000	\$16,000,000	\$26,500,000
One-Time Facility Costs	0	\$22,200,000	\$11,300,000	\$21,800,000
Non-Facility Costs	0	\$4,700,000	\$4,700,000	\$4,700,000
Other Costs	0	0	0	0

The presentation of cost in general management plan is applied to the type and general intensities of development in a comparative format. The following applies to cost presented in the general management plan.

- Costs are presented as estimates and are not appropriate for budgeting purposes.
- Cost estimates were developed in 2010; they are general and intended for alternatives comparison purposes only.
- Cost estimates are based on similar construction, industrial standards and using professional judgment, and they represent the total costs of projects. However, due to cost estimating uncertainty, actual cost could as much as 30 to 50 percent higher than noted.
- Actual cost will be determined at a later date and will take into consideration the design of facilities, identification of detailed resource protection needs, and changing visitor expectations.
- Approval of the general management plan does not guarantee funding or staffing for proposed actions.
- Project funding will not come all at once; it will likely take many years to secure and may be provided by partners, donations, or other nonfederal sources.
- Some proposals may not be funded within the life of this General Management Plan and full implementation may occur many years the future.

NOTES:

- Facility (construction) cost include costs for new facilities that are proposed in the action alternatives, for the no-action alternative, construction costs include only projects that are already planned and funded.
- Non facility costs include natural and cultural resources management activities and visitor use projects when applicable.
- Annual operating costs (ONPS) are the total annual cost for maintenance and protection. Associated with each alternative. Included are all costs related to utilities, materials, supplies, and leasing and visitor services, law enforcement, resource management, and administration operations (including staff salaries, and benefits).
- Total full time equivalents (FTE) are the number of staff required to maintain park assets at a good level and provide acceptable visitor service, protection of resources, and outer operational support. Full time equivalent staff would likely be NPS employees; however, park managers would explore opportunities to work with partners, volunteers, and other federal agencies, to assist in the effective and efficient management of the Park. Those hours might be in addition to or instead of NPS employees.
- Some of the alternatives prescribe the use of visitor centers, visitor contact stations, and entrance stations. For clarification, following are descriptions of these facilities:

Visitor Center: This is the largest of the joint public/administrative facilities. From the public standpoint, it would typically include major upscale exhibits of various types, special enclosed area for audio visual presentations, restrooms, sales area for visitors to purchase literature and souvenirs, area to care for visitor emergencies and a larger central counter area where visitors could ask questions

From the administrative standpoint, it would typically include offices for staff, large storage areas, conference rooms, work areas, lunch room, restrooms, room for central communications and central computer center, mail room, and large mechanical room for HVAC, electrical, and hot water tanks.

Visitor Contact Station: This is typically a far more scaled down version of the visitor center identified above. They are typically located in some of the more remote areas of the park where full scale visitor centers are not needed but not to the extent as use levels associated with visitor centers. From the public standpoint, it would typically include some exhibits, possibly view a video as part of the exhibit area, central counter where visitors could ask questions and get basic literature, and restroom facilities.

Entrance Station: This is a facility where visitors can pull up in their vehicles and pay any entrance/user fees that the park may be charging and receive a map of the park and directions to a visitor center or a visitor contact facility where they can get more detailed information and orientation. This area might require some special curbing, signing, and bollards to keep vehicles from crashing into the entrance station since it is immediately adjacent to the roadway.

STAFFING NEEDS

Alternative A – The management division and staffing needs for each are as follows:

- **Protection:** (1) Staff Ranger GS-09
- **Resource Education:** (1) Interpreter (general) GS-09

Alternative B – The management divisions and staffing needs for each are as follows:

- **Administration:** (1) Superintendent GS-13, (1) Administrative Officer GS-09, (1) Human Resources GS-06, (1) Budget Analyst GS-07, and (1) Administrative Clerk GS-04
- **Resources Management:** (1) Chief of Resources Management GS-11, (1) Range Technician GS-07, (1) Paleontologist GS-11, (1) Paleontological Technician GS-07, and (1) Curator GS-11
- **Maintenance:** (1) Facility Manager GS-11, (1) Facility Operations Specialist GS-07, (1) Janitor WG-05, (1) Maintenance Mechanic WG-05, (1) Motor Vehicle Operator WG-08, and (1) Engine Equipment Operator WG-09
- **Protection:** (1) Chief Ranger GS-11, (3) Staff Ranger GS-09, and (1) Fee Program Specialist Use Coordinator GS-07
- **Resource Education:** (1) Chief of Interpretation GS-11, (2) Interpreter (general) (1) GS-09, and (1)Interpreter-Media GS-09

Alternative C – The management divisions and staffing needs for each are as follows:

- **Administration:** (1) Superintendent GS-13, (1) Administrative Officer GS-09, (1) Human Resources GS-06, (1) Budget Analyst GS-07, and (1) Administrative Clerk GS-04
- **Resources Management:** (1) Chief of Resources Management GS-11, (1) Range Technician GS-07, (1) Plant Technician GS-07, (1) Paleontologist GS-11, and (1) Curator GS-11
- **Maintenance:** (1) Facility Manager GS-11, (1) Facility Operations Specialist GS-07, (1) Janitor WG-05, (1) Maintenance Mechanic WG-05, (1) Motor Vehicle Operator WG-08, and (1) Engine Equipment Operator WG-09
- **Protection:** (1) Chief Ranger GS-11, (4) Staff Ranger GS-09, and (1) Fee Program Specialist Use Coordinator GS-07
- **Resource Education:** (1) Chief of Interpretation GS-11, (1) Interpreter (general) GS-09

Alternative D – The management divisions and staffing needs for each are as follows:

- **Administration:** (1) Superintendent GS-13, (1) Administrative Officer GS-09, (1) Human Resources GS-06, (1) Budget Analyst GS-07, and (1) Administrative Clerk GS-04
- **Resources Management:** (1) Chief of Resources Management GS-11, (1) Range Technician GS-07, (1) Plant Technician GS-07, (1) Paleontologist GS-11, and (1) Curator GS-11

- **Maintenance:** (1) Facility Manager GS-11, (1) Facility Operations Specialist GS-07, (1) Janitor WG-05, (1) Maintenance Mechanic WG-05, (1) Motor Vehicle Operator WG-08, and (1) Engine Equipment Operator WG-09
- **Protection:** (1) Chief Ranger GS-11, (4) Staff Ranger GS-09, and (1) Fee Program Specialist Use Coordinator GS-07
- **Resource Education:** (1) Chief of Interpretation GS-11, (1) Interpreter (general) GS-09

ONE-TIME FACILITY NEEDS AND COSTS

Table D-2 summarizes one-time facility needs and costs for each alternative.

TABLE D-2. ONE-TIME FACILITY NEEDS MATRIX

	Alternative A: No Action (Continue Current Management)	Alternative B: Expand Interpretive Opportunities	Alternative C: Focus on Resource Protection / Preservation	Alternative D: Protect Resources while Expanding Interpretive Experience (Preferred Alternative)
		<ul style="list-style-type: none"> - In one location, construct a 10-car parking area and 800 yards of paved roadway with wayside exhibits. - Construct restrooms (vault toilet), trailheads, and overlook. - Construct two developed camping areas with amenities, one on the perimeter and one in the back country area for guided trips. - Develop perimeter and interior pedestrian trails (30 miles total). - Develop perimeter and interior horseback trails (50 miles total). - Construct 15 primitive walk-in camping units in the interior. - Improve existing road to quarry west of Sheep Mountain Table (7.3 miles). - Provide a paved 20-car parking area with a 2-unit vault toilet at the quarry area. - Construct one paved 15-unit camping with a 2-unit vault toilet and a trailhead in the vicinity of the quarry area. - Construct one backcountry ranger station and equestrian facilities. 	<ul style="list-style-type: none"> - Construct new entrance station facility within the White River area. - Expand the White River Visitor Center facility to improve and expand exhibits, and expand office space for staff. - A visitor contact station would also be developed on the West side of the South Unit. - Expand housing for the staff at the White River Visitor Complex (1-duplex). - Expand the White River Visitor Center maintenance facility. - Construct three 10-car parking areas with wayside exhibits along the perimeter. - In one location, construct one 10-car parking area and 800 yards of paved roadway with wayside exhibits. - Construct one restroom (vault toilet), trailheads, and overlook. - Develop interior pedestrian trails (25 miles). Develop interior horseback riding trails (50 miles). - Provide primitive camping on the perimeter and interior (15 interior and 10 perimeter camp sites). - Construct one backcountry ranger station and equestrian facilities 	<ul style="list-style-type: none"> - Construct a visitor contact station on the west side of the park. - Redevelop White River Visitor Center to improve and expand exhibits and also serve as a contact station. - Expand and improve staff housing at White River (1 new double wide trailer). - Construct six 5-car parking areas and wayside exhibits at multiple sites along the perimeter. - In one location, construct one 10-car paved parking area and 800 yards of paved roadway with wayside exhibits. - Construct one vault toilet, trailhead, and overlook. - Develop one 25-unit camping areas with two unit vault toilets and develop pump, chlorination unit and structure on the perimeter. - Develop one primitive backcountry 15-unit campground with vault toilets for guided trips. - Develop interior pedestrian trails (about 15 miles). - Develop 25 miles of horseback trails in the interior and limit use. - Provide 15 walk-in primitive

	Alternative A: No Action (Continue Current Management)	Alternative B: Expand Interpretive Opportunities	Alternative C: Focus on Resource Protection / Preservation	Alternative D: Protect Resources while Expanding Interpretive Experience (Preferred Alternative)
				camping units in the interior. <ul style="list-style-type: none"> - Improve the existing road to quarry at Sheep Mountain Table (7.3 miles). - Provide a paved 20-car parking area with a two-unit vault toilet at the quarry area. - Develop one paved 15-unit camping area with one two-unit vault toilet and a trailhead in the vicinity of the quarry area. - Develop one backcountry ranger station and equestrian facilities. - Construct two new entrance stations, one to be located on the west and east sides of park.
Total Cost		\$22.2M	\$11.3M	\$21.8M

ONE-TIME NON-FACILITY NEEDS AND COSTS

One-time non-facility cost includes actions for the preservation and interpretation of cultural and natural resources not related to facilities. These are costs that would require substantial funding over and above park annual operating costs. Based on the goals and needs identified in the resource management section of this document, the following list includes plans and supporting surveys and inventories the park anticipates would be needed and the possible related costs. The total non-facility cost is estimated to be approximately \$4.7 million. These are the same for each action alternative.

- **Resource Stewardship Strategy (\$500,000).** This umbrella document would set the overall direction for addressing the future management of natural and cultural resources. It would identify the most critical areas where there are resource concerns, establish priorities for addressing concerns, identify the type of planning document needed to address concerns, and identify potential sources of funding and actions needed to compete for special funding sources.
- **Bison Management Plan (\$400,000).** As indicated under all of the action alternatives, bison would be reintroduced where feasible. To accomplish this, the park would need a plan that addresses all aspects of bison management. This type of plan would most likely require an EIS since it would be an action or implementation plan.
- **Vegetation Management Plan (\$200,000).** Considering the various options and methods for controlling exotic species and addressing rare, threatened, and endangered plants as referenced in the resource management section of this document, the park would need a plan to establish well thought-out direction.
- **Fire Management Plan (\$200,000).** Like the North Unit, the park has established the need for a fire management plan. This plan would closely consider the direction established for the vegetation management plan.
- **Paleontological and Archeological Management Plan (\$400,000).** Each alternative presented in this GMP/EIS includes the need to increase surveys to identify these resources in order to properly protect and interpret them. A management plan would be needed to provide specific direction in caring for such resources.
- **Curatorial Management Plan (\$200,000).** Considering the direction established in each of the action alternatives concerning paleontological and archeological resources, a plan would be needed to address the care of such resources. This is particularly true with the prospect of developing the Lakota Heritage and Recreation Center.
- **Wildlife Management Plan (\$300,000).** Each action alternative presented in this GMP/EIS expresses the need to increase surveys to identify various wildlife species, particularly those that are considered to be rare, threatened, and endangered. Like the North Unit, the park also needs to incorporate prairie dog management as a part of this document.
- **User Capacity Plan (\$300,000).** This GMP/EIS addresses the need to establish detailed direction to ensure that resources are not unduly impacted as a result of visitor use and that visitor experience is held to a high level. This GMP/EIS begins to identify some of the indicators, standards, and management actions that could be used in establishing user capacities for the park; however, to provide greater detailed management direction, the park would need to develop a user capacity management plan.

- **Comprehensive Interpretive Plan (\$200,000).** This plan would set the overall interpretive theme for the park taking into consideration the purpose and significance for which the park was established. The plan would establish interpretive concepts.
- **Surveys and Inventories (\$2,000,000).** The estimated cost would be divided to begin the surveys and **inventories** needed to collect the data for preparing the bison management plan, vegetation management plan, paleontological and archeological management plan, wildlife management plan, and user capacity plan for the park.

APPENDIX E: CONSULTATION LETTERS

United States Department of the Interior



NATIONAL PARK SERVICE

Badlands National Park

P.O. Box 6

Interior, South Dakota 57750

June 11, 2007

H4215(BADL)
xD2217

Jay D. Vogt, State Historic Preservation Officer
South Dakota State Historical Society
900 Governors Drive
Pierre, South Dakota 57501-2217

Reference: Badlands National Park, General Management Plan/Environmental Impact Statement

Dear Mr. Vogt:

This letter is to inform you that the National Park Service is beginning preparation of a General Management Plan for the South Unit of Badlands National Park, South Dakota. We believe that the implementation of this plan may affect properties included in, or that may be eligible for inclusion in, the National Register of Historic Places. Therefore, we invite your office to participate in the development of this plan, in accordance with the 1995 Programmatic Agreement among the National Park Service, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers.

You or representatives of your office are invited to participate in the planning process, where your comments will assist in determining any potential cultural resource concerns that should be addressed. We will keep you informed of meeting places, times, and dates regarding the planning process to ensure that you are provided an opportunity to participate in the development of the plan.

We look forward to your participation in the planning process and believe that it will result in better planning for Cultural Resource management. Should you have any questions or desire additional information, please contact me at (605) 433-5280.

Sincerely,

Paige J. Baker, Ph.D.
Superintendent

United States Department of the Interior



NATIONAL PARK SERVICE
Badlands National Park
P.O. Box 6
Interior, South Dakota 57750

June 11, 2007

H4215(BADL)
xD2217

Dr. Don Klima
Director, Office of Planning and Review
Advisory Council on Historic Preservation
Old Post Office Building
1100 Pennsylvania Avenue, NW, Suite 803
Washington, DC 20004

Reference: Badlands National Park, General Management Plan/Environmental Impact Statement

Dear Dr. Klima:

This letter is to inform you that the National Park Service is beginning preparation of a General Management Plan (GMP) for the South Unit of Badlands National Park, South Dakota. We believe that the implementation of this plan may affect properties included in, or that may be eligible for inclusion in, the National Register of Historic Places. Therefore, we invite your office to participate in the development of this plan in accordance with the 1995 Programmatic Agreement among the National Park Service, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers.

You or representatives of your office are invited to participate in the planning process, where your comments will assist in determining any potential cultural resource concerns that should be addressed. We will keep you informed of meeting places, times, and dates regarding the planning process to ensure that you are provided an opportunity to participate in the development of the plan. We also will provide you with copies of all newsletters and the draft GMP.

We look forward to your participation in the planning process and believe that it will result in better planning for cultural resource management. Should you have any questions or desire additional information, please contact me at (605) 433-5280.

Sincerely,

Paige J. Baker, Ph.D.
Superintendent
Badlands National Park

United States Department of the Interior



NATIONAL PARK SERVICE
Badlands National Park
P.O. Box 6
Interior, South Dakota 57750

June 11, 2007

Cheyenne River Sioux Tribe
Chairman, Joe Brings Plenty, Sr.
2001 Main St.
P.O. Box 590
Eagle Butte, SD 57625

Dear Chairman Brings Plenty,

Reference: Badlands South Unit General Management Plan/Environmental Impact Statement

Subject: Compliance with Section 106 of the National Historic Preservation Act and National Environmental Policy Act (NEPA)

The National Park Service and Badlands National Park are preparing a General Management Plan/ Environmental Impact Statement to address management of the South Unit of the park. This plan is a continuation of the General Management Plan for Badlands National Park for which you received notification in January 2002. Because the previous effort, completed last fall, covers only the North Unit of the park, this project will, in effect, result in Volume 2 of the Plan.

In accordance with NEPA and 36 CFR 800 requirements, we invite you to review and comment on the project as it unfolds. If you wish to participate, please confirm in writing. We will send you copies of project newsletters and the draft and final General Management Plan/Environmental Impact Statement as they are prepared.

If you have questions or desire additional information, please write to me at the above address. I may also be contacted through my email address, paige_baker@nps.gov, or by telephone at (605) 433-5280. We would also be happy to arrange a meeting with you at your convenience to discuss this project.

We look forward to consulting with you on this general management plan.

Sincerely,

Paige Baker, Ph.D.
Superintendent

United States Department of the Interior



NATIONAL PARK SERVICE
Badlands National Park
P.O. Box 6
Interior, South Dakota 57750

June 11, 2007

H4215(BADL)

Crow Creek Sioux Tribe
Chairman, Lester Thompson, Jr.
P.O. Box 50
Fort Thompson, SD 57339

Dear Chairman Thompson,

Reference: Badlands South Unit General Management Plan/Environmental Impact Statement

Subject: Compliance with Section 106 of the National Historic Preservation Act and National Environmental Policy Act (NEPA)

The National Park Service and Badlands National Park are preparing a General Management Plan/ Environmental Impact Statement to address management of the South Unit of the park. This plan is a continuation of the General Management Plan for Badlands National Park for which you received notification in January 2002. Because the previous effort, completed last fall, covers only the North Unit of the park, this project will, in effect, result in Volume 2 of the Plan.

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We look forward to consulting with you on this general management plan.

Sincerely,

Paige Baker, Ph.D.
Superintendent

United States Department of the Interior



NATIONAL PARK SERVICE
Badlands National Park
P.O. Box 6
Interior, South Dakota 57750

June 11, 2007

H4215(BADL)

Rosebud Sioux Tribe
Chairman, Rodney Bordeaux
P.O. Box 430
Rosebud, SD 57570

Dear Chairman Bordeaux,

Reference: Badlands South Unit General Management Plan/Environmental Impact Statement

Subject: Compliance with Section 106 of the National Historic Preservation Act and National Environmental Policy Act (NEPA)

The National Park Service and Badlands National Park are preparing a General Management Plan/ Environmental Impact Statement to address management of the South Unit of the park. This plan is a continuation of the General Management Plan for Badlands National Park for which you received notification in January 2002. Because the previous effort, completed last fall, covers only the North Unit of the park, this project will, in effect, result in Volume 2 of the Plan.

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We look forward to consulting with you on this general management plan.

Sincerely,

Paige Baker Ph.D.
Superintendent

United States Department of the Interior



NATIONAL PARK SERVICE
Badlands National Park
P.O. Box 6
Interior, South Dakota 57750

June 11, 2007

H4215(BADL)

Lower Brule Sioux Tribe
Chairman, Michael Jandreau
P.O. Box 187
Lower Brule, SD 57548

Dear Chairman Jandreau,

Reference: Badlands South Unit General Management Plan/Environmental Impact Statement

Subject: Compliance with Section 106 of the National Historic Preservation Act and National Environmental Policy Act (NEPA)

The National Park Service and Badlands National Park are preparing a General Management Plan/ Environmental Impact Statement to address management of the South Unit of the park. This plan is a continuation of the General Management Plan for Badlands National Park for which you received notification in January 2002. Because the previous effort, completed last fall, covers only the North Unit of the park, this project will, in effect, result in Volume 2 of the Plan.

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We look forward to consulting with you on this general management plan.

Sincerely,

Paige Baker, Ph.D.
Superintendent

United States Department of the Interior



NATIONAL PARK SERVICE
Badlands National Park
P.O. Box 6
Interior, South Dakota 57750

June 11, 2007

H4215(BADL)

Flandreau Santee Sioux Tribe
Chairman, Josh Weston
P.O. Box 283
Flandreau, SD 57028

Dear Chairman Weston,

Reference: Badlands South Unit General Management Plan/Environmental Impact Statement

Subject: Compliance with Section 106 of the National Historic Preservation Act and National Environmental Policy Act (NEPA)

The National Park Service and Badlands National Park are preparing a General Management Plan/ Environmental Impact Statement to address management of the South Unit of the park. This plan is a continuation of the General Management Plan for Badlands National Park for which you received notification in January 2002. Because the previous effort, completed last fall, covers only the North Unit of the park, this project will, in effect, result in Volume 2 of the Plan.

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We look forward to consulting with you on this general management plan.

Sincerely,

Paige Baker, Ph.D.
Superintendent

United States Department of the Interior



NATIONAL PARK SERVICE
Badlands National Park
P.O. Box 6
Interior, South Dakota 57750

June 11, 2007

H4215(BADL)

Yankton Sioux Tribe
Chairman, Robert Cournoyer
P.O. Box 248
Marty, SD 57361

Dear Chairman Cournoyer,

Reference: Badlands South Unit General Management Plan/Environmental Impact Statement

Subject: Compliance with Section 106 of the National Historic Preservation Act and National Environmental Policy Act (NEPA)

The National Park Service and Badlands National Park are preparing a General Management Plan/ Environmental Impact Statement to address management of the South Unit of the park. This plan is a continuation of the General Management Plan for Badlands National Park for which you received notification in January 2002. Because the previous effort, completed last fall, covers only the North Unit of the park, this project will, in effect, result in Volume 2 of the Plan.

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If you have questions or desire additional information, please write to me at the above address. I may also be contacted through my email address, paige_baker@nps.gov, or by telephone at (605) 433-5280. We would also be happy to arrange a meeting with you at your convenience to discuss this project.

We look forward to consulting with you on this general management plan.

Sincerely,

Paige Baker, Ph.D.
Superintendent

United States Department of the Interior



NATIONAL PARK SERVICE
Badlands National Park
P.O. Box 6
Interior, South Dakota 57750

June 11, 2007

H4215(BADL)

Sisseton-Wahpeton Sioux Tribe
Chairman Mike Selvage
P.O. Box 509
Agency Village, SD 57262

Dear Chairman Selvage,

Reference: Badlands South Unit General Management Plan/Environmental Impact Statement

Subject: Compliance with Section 106 of the National Historic Preservation Act and National Environmental Policy Act (NEPA)

The National Park Service and Badlands National Park are preparing a General Management Plan/ Environmental Impact Statement to address management of the South Unit of the park. This plan is a continuation of the General Management Plan for Badlands National Park for which you received notification in January 2002. Because the previous effort, completed last fall, covers only the North Unit of the park, this project will, in effect, result in Volume 2 of the Plan.

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We look forward to consulting with you on this general management plan.

Sincerely,

Paige Baker, Ph.D.
Superintendent

United States Department of the Interior



NATIONAL PARK SERVICE
Badlands National Park
P.O. Box 6
Interior, South Dakota 57750

June 11, 2007

H4215(BADL)

Standing Rock Sioux Tribe
Chairman, Ron His Horse Is Thunder
P.O. Box D
Fort Yates, ND 57538

Dear Chairman,

Reference: Badlands South Unit General Management Plan/Environmental Impact Statement

Subject: Compliance with Section 106 of the National Historic Preservation Act and National Environmental Policy Act (NEPA)

The National Park Service and Badlands National Park are preparing a General Management Plan/ Environmental Impact Statement to address management of the South Unit of the park. This plan is a continuation of the General Management Plan for Badlands National Park for which you received notification in January 2002. Because the previous effort, completed last fall, covers only the North Unit of the park, this project will, in effect, result in Volume 2 of the Plan.

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If you have questions or desire additional information, please write to me at the above address. I may also be contacted through my email address, paige_baker@nps.gov, or by telephone at (605) 433-5280. We would also be happy to arrange a meeting with you at your convenience to discuss this project.

We look forward to consulting with you on this general management plan.

Sincerely,

Paige Baker, Ph.D.
Superintendent



Flandreau Santee Sioux Tribe

P.O. Box 283 Flandreau, SD 57028

Ph. 605-997-3891

Fax 605-997-3878

Website: www.santeesioux.com

Flandreau Santee Sioux Tribe
Office of Cultural Preservation/Tribal NAGPRA Office
Sam Allen-Cultural Preservation Officer
Ray Redwing-Cultural Preservation Officer
Martin Bernard-Cultural Preservation Officer

Reference Number: _____

Project Number: Badlands South Unit General Management Plan

Date: 6-12, 2007

☐ We have no interest in this area geographically

☐ We have no comment on the proposed undertaking

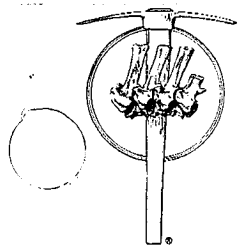
☒ No objections. However, if human skeletal remains and/or any objects falling under NAGPRA are uncovered during construction, please stop immediately and notify the appropriate persons (state & tribal NAGPRA representatives)

☐ We have an objection or require additional project information. Please send the following to Sam Allen, Cultural Preservation Officer, FSST, P.O. Box 283, Flandreau, SD, 57028

Sam Allen

Signature: *Sam Allen -by cgr*





SOCIETY OF VERTEBRATE PALEONTOLOGY

111 DEER LAKE ROAD, SUITE 100

DEERFIELD, IL 60015 U.S.A.

June 15, 2009

Ms. Paige Baker, Ph.D.
Superintendent,
Badlands National Park
P.O. Box 6
Interior, SD 57750

Dear Superintendent Baker,

We'd like to take a few moments to share the thoughts of the Society of Vertebrate Paleontology regarding the South Unit General Management Plan. The SVP is the leading society of vertebrate paleontologists and has over 2000 members, including the leaders in vertebrate paleontological research.

As you know the South Unit contains extremely important vertebrate fossils and has contributed much to 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 rocks in which the fossils are found provide information about the environment of preservation and its climate, position in a historical sequence, and paleogeographic location. Fossil assemblages provide information about ecological interactions and communities.

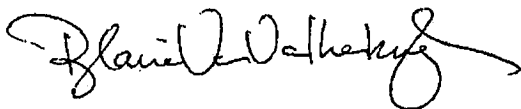
A fossil collected without this information has lost much of its value, and we know little more than that this animal lived and died. In contrast, when contextual data are collected and studied, we begin to understand how the animal lived. As paleontologists and geologists learn more ways to interpret ancient environments and ecological communities from fossil assemblages in their original context, this information becomes increasingly valuable and important. The fossil record has much to tell us about how organisms respond to climate change, but this is only possible when contextual data are collected.

Our understanding of evolutionary processes and relationships comes primarily from comparing the skeletons from different animals to each other. In order to do this; researchers must be able to compare new specimens with those previously unearthed. Only when specimens are properly collected and curated in public institutions can researchers access these specimens in order to make these comparisons. And when these comparisons and interpretations are made, education and the general public greatly benefit by having access to this new interpretive knowledge.

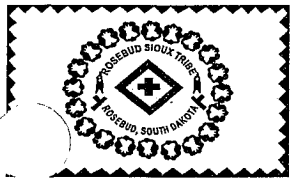
We feel it will be critical for the South Unit GMP to provide for the proper management of its paleontological resources. This management should include a system that enables qualified researchers to obtain permits and allows them to properly collect these resources. These permit applications, the research plan, and the 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 they should remain the property of the people of the United States.

Thank you for the opportunity to provide our input. Please keep us informed as the South Unit GMP is developed.

Sincerely yours, .

A handwritten signature in cursive script, reading "Blaire Van Valkenburgh". The signature is fluid and stylized, with a large loop at the end of the last name.

Blaire Van Valkenburgh, Ph.D.
President
Society of Vertebrate Paleontology



Preserving the Land, Cultural
Heritage, Tradition for the
Future Generation

Rosebud Sioux Tribe

Tribal Historic Preservation Office

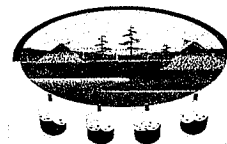
P.O. Box 809

Rosebud, South Dakota

Telephone: (605) 747-4255

Fax: (605) 747-4211

Email: rstthpo@yahoo.com



Russell Eagle Bear
Officer

Kathy Arcoren
Administrative Assistant

June 26, 2007

National Park Service
Badlands National park
PO Box 6
Interior, SD 57750

Re: Badlands South Unit Management Plan/Environmental Impact Statement

Dear Mr. Baker, Ph.D.,

We are responding to your letter dated June 11, 2007 in reference to the Badlands National park's general management Plan/Environmental Impact Statement for the south unit of the park.

As the Tribal Historic Preservation Officer for the Rosebud Sioux Tribe I appreciate your notification of the undertaking and the awareness you are demonstrating for the archaeological sites and cultural heritage of Indigenous peoples.

We do have concerns and interest in this area. Please keep this office informed of all projects. We are requesting copies of the General Management Plan and the EIS as they are prepared.

Thank you for your time and consideration of this letter.

Sincerely,


Mr. Russell Eagle Bear
RST- THPO





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

005 d1/r#

MAY 25 2007

Ref: EPR-N

Paige Baker, Superintendent
Badlands National Park
25216 Ben Reifel Road
Interior, South Dakota 57750

Re: Scoping South Unit General Management
Plan EIS

Dear Mr. Baker:

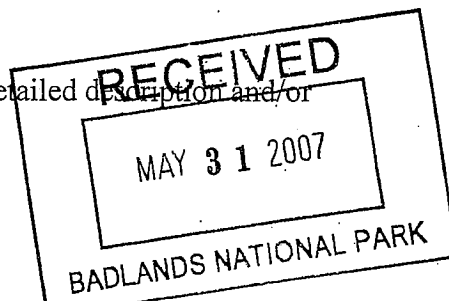
The U.S. Environmental Protection Agency Region 8 (EPA) has reviewed the *Notice of Intent to Prepare an Environmental Impact Statement* (EIS) for the South Unit General Management Plan. We provide these comments in anticipation of our review of the Draft EIS (DEIS) and in accordance with our authorities and responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act.

The Badlands National Park in cooperation with Oglala Sioux Tribe is proposing to prepare a General Management Plan (GMP) for the Badlands National Park, South Unit. The GMP will be prescribing the resource conditions and visitors experience that is to be achieved and maintained in the South Unit over the next 15 to 20 years. The proposed project planning area is composed of two largely undeveloped and remote tracts of land totaling 140,000 acres which lies entirely within the Pine Ridge Oglala Sioux Reservation in the State of South Dakota.

Environmental Considerations

Air Quality: The DEIS should describe actions in GMP that may cause an increase in air emissions and an analysis of their impacts. Examples of these potential increased air emissions would be future construction and maintenance activities, and potential increases in visitor traffic due to transportation improvements or facility improvements. In addition, the DEIS should discuss the mitigation efforts that will be implemented to offset air impacts such as shuttle bus services and best management practices during construction and maintenance activities.

Soil erosion and vegetation: The DEIS should include a detailed description and/or



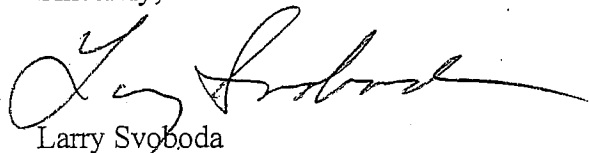
inventory of existing vegetation and soil types located in the South Unit. This would be used as a baseline condition to measure future impacts or improvements as the GMP is implemented. The DEIS should clearly describe the best management practices that will be implemented to control soil erosion and reduce impacts to native vegetation in the South Unit. The DEIS should also include a vegetation mitigation plan that would be implemented if vegetation impacts cannot be avoided. As stated in the Northern Unit EIS, soils in the Badland NP are highly erodeable. It is because of this natural soil erosion, that the EIS should clearly describe the impacts of potential increased visitation in the South Unit on this natural action.

Water resources: The DEIS should clearly locate, describe and evaluate all water resources in the South Unit. The DEIS should also identify the benefits these resources are providing the local environment and tribal community.

Connected actions: The DEIS should also evaluate any actions that may be occurring outside of the South Unit that would effluence the management of the South Unit. This would include the development or expansion of visitor facilities, mining activities, or any other anthropogenic action that may impact the resources and management on the South Unit.

Thank you for the opportunity to consider our comments at this stage of your planning process. If you have any questions or would like to discuss our comments, please contact me (303-312-6004) or Dick Clark (303-312-6748) of my staff.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Larry Svoboda', written in a cursive style.

Larry Svoboda
Director, NEPA Program
Office of Ecosystems Protection and Remediation

United States Department of the Interior



NATIONAL PARK SERVICE
Badlands National Park
P.O. Box 6
Interior, South Dakota 57750

December 1, 2008

D18(BADL)
xL76

U.S. Fish and Wildlife Service
Region 6
420 South Garfield Avenue, Suite 400
Pierre, South Dakota 57501-5408

To Whom It May Concern:

The National Park Service and Badlands National Park, in collaboration with the Oglala Sioux Tribe, are preparing a General Management Plan/ Environmental Impact Statement to address management of the South Unit of the park. The Environmental Impact Statement will be prepared in accordance with NPS Director's Order 12, *Conservation Planning, Environmental Impact Analysis, and Decision Making*, and regulations that implement the National Environmental Policy Act.

In accordance with Section 7(a)(2) of the Endangered Species Act of 1973, as amended, and 50 CFR 402, we are asking you to notify us of any threatened or endangered species, and any species of concern that may be found in the South Unit.

If you have any questions regarding this request, please contact me at (605) 433-5280.
Thank you for your assistance with this project.

Sincerely,

Paige Baker, PhD
Superintendent
Badlands National Park



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
420 South Garfield Avenue, Suite 400
Pierre, South Dakota 57501-5408

December 11, 2008

Ms. Paige Baker, Superintendent
National Park Service
Badlands National Park
P.O. Box 6
Interior, South Dakota 57750

Re: South Unit General Management
Plan/Environmental Impact Statement,
Shannon County, South Dakota

Dear Ms. Baker:

This letter is in response to your request dated December 1, 2008, for environmental comments regarding the above referenced project involving the preparation of a General Management Plan/Environmental Impact Statement for the South Unit of the Badlands National Park located in Shannon County, South Dakota.

In accordance with section 7(c) of the Endangered Species Act, as amended, 16 U.S.C. 1531 et seq., we have determined that the following federally listed species may occur in the project area (this list is considered valid for 90 days):

<u>Species</u>	<u>Status</u>	<u>Expected Occurrence</u>
Whooping crane (<u>Grus americana</u>)	Endangered	Migration.
Black-footed ferret (<u>Mustela nigripes</u>)	Experimental Populations	Potential resident in Shannon County.
Western prairie fringed orchid (<u>Platanthera praeclara</u>)	Threatened	Possible habitat, no recent specimens.

Whooping cranes migrate through South Dakota on their way to northern breeding grounds and southern wintering areas (migration map enclosed). They occupy numerous habitats such as cropland and pastures; wet meadows; shallow marshes; shallow portions of rivers, lakes, reservoirs, and stock ponds; and both freshwater and alkaline basins for feeding and loafing. Overnight roosting sites frequently require shallow water in which they stand and rest. Additionally, should management work occur during spring or fall migration, the potential for disturbances to whooping cranes exist. Disturbance (flushing the birds) stresses them at critical times of the year. We recommend that you remain vigilant for these birds. There is little that can be done to reduce disturbance besides ceasing construction at sites where the birds have been observed. The birds normally do not stay in any one area for long during migration. Any whooping crane sightings should be reported to this office.

Black-footed ferrets have been reintroduced into portions of the Badlands National Park and the Buffalo Gap National Grasslands. Sustainable black-footed ferret populations are exclusively dependent on black-tailed prairie dog colonies for food and habitat. Any black-tailed prairie dog towns >80 acres in size or any towns that are part of a $\geq 1,000$ -acre complex of prairie dog colonies may be considered black-footed ferret habitat, and surveys for black-footed ferrets may be required prior to any management efforts on colonies meeting the above requirements.

The Western prairie fringed orchid has not recently been documented in South Dakota. However, in light of the facts that the life cycle of the plant often makes it difficult to detect, populations currently exist in the neighboring states of Nebraska, Minnesota, and North Dakota, and potential habitat may still be found in South Dakota, the potential exists for the Western prairie fringed orchid to be found in this state. Although the plant is typically associated with intact native prairie, the Western prairie fringed orchid has also been found on disturbed sites. Potential habitats generally include mesic upland prairies, wet prairies, sedge meadows, subirrigated prairies, and swales in sand dune complexes. If these habitats exist at the site, surveys for the Western prairie fringed orchid should be conducted prior to management.

The bald eagle has been delisted from the Endangered Species List; however, they are still protected under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. Bald eagles occur throughout South Dakota, and new nests are appearing each year. The birds are associated with large trees, such as cottonwoods, and large lake or river systems, such as the Missouri River. The best means of avoiding impacts to these birds is by constructing outside the nesting season of January to August. No construction should occur within one-quarter mile of any known active bald eagle nest, and the U.S. Fish and Wildlife Service (Service) requests notification if any nests are found within one mile of a proposed construction site. Any nests found should be reported to this office.

If the Federal action agency or their designated representative determines that the project "may adversely affect" listed species in South Dakota, it should request formal consultation from this office. If a "may affect - not likely to adversely affect" determination is made for this project, it should be submitted to this office for concurrence. If a "no effect" determination is made, further consultation may not be necessary. However, a copy of the determination should be sent to this office. For more information regarding Federal action agency responsibilities as related to section 7 of the Endangered Species Act, please refer to the Service's Endangered Species Act Consultation Handbook, available online at <http://endangered.fws.gov/consultations/index.html>.

If changes are made in the project plans or operating criteria, or if additional information becomes available, the Service should be informed so that the above determinations can be reconsidered.

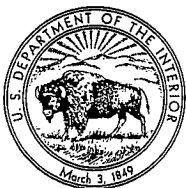
The Service appreciates the opportunity to provide comments. If you have any questions on these comments, please contact Charlene Bessken of this office at (605) 224-8693, Extension 231.

Sincerely,



Pete Gober
Field Supervisor
South Dakota Field Office

Enclosures



IN REPLY REFER TO:

United States Department of the Interior

National Park Service
Badlands National Park
P.O. Box 6
25216 Ben Reifel Rd
Interior, SD 57750



June 17, 2010

H4215(BADL)

Mr. Wilmer Mesteth
Tribal Historic Preservation Officer
Oglala Sioux Tribe
Natural Resources Regulatory Agency
P.O. Box 320/3005
Pine Ridge, SD 57770

Reference: Badlands National Park, South Unit General Management Plan/Environmental Impact Statement

Dear Mr. Mesteth:

As we are sure you are aware the National Park Service, in cooperation with the Oglala Sioux Tribe, is preparing a general management plan for the South Unit of Badlands National Park, located wholly within the boundaries of the Pine Ridge Reservation. We believe that the implementation of this plan may affect properties included in, or that may be eligible for inclusion in, the National Register of Historic Places. Therefore, we invite your office to participate in the review of this plan in accordance with the 1995 Programmatic Agreement among the National Park Service, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers.

You or representatives of your office are invited to participate in the planning process where your comments will assist in determining any potential cultural resource concerns that should be addressed. We anticipate releasing a draft of the general management plan/environmental impact statement for public review in late August 2010, and will provide a copy to your office. We will keep you informed of meeting places, times, and dates regarding the planning process to ensure that you are provided an opportunity to participate in the development and review of the plan, particularly with respect to the final preferred alternative for resources and visitor experience.

We look forward to your participation in the planning process and believe that it will result in better planning for cultural resource management. Should you have any questions or desire additional information, please contact me at 605-433-5281.

Sincerely,


Stephen G. Thede
Acting Superintendent

APPENDIX F: STATEMENT OF FINDINGS FOR SOUTH UNIT GENERAL MANAGEMENT PLAN/ENVIRONMENTAL IMPACT STATEMENT, BADLANDS NATIONAL PARK

Introduction

In accordance with Executive Order 11988, “Floodplain Management”, and NPS guidelines for implementing the Order, the National Park Service has evaluated the flood hazards for development in the South Unit and has prepared this Statement of Findings. As an integral part of the effort to develop a general management plan for the South Unit, this statement contains descriptions of the flood hazard and mitigating measures for the continued use of this area. More details about future actions and environmental impacts are available in the *General Management Plan/Environmental Impact Statement*.

Description of Site

The White River Visitor Center complex is located within the South Unit near Rockyford. The complex comprises a visitor center trailer, a single-family ranger residence, and a garage. The residence, which is the only structure within the 100-year floodplain, is located well above (approximately 19 vertical feet) the active channel of the White River. There is also a broad floodplain, about 1400 feet wide, between the residence and the channel. Because of this broad valley bottom, the White River and its associated floodplain are capable of storing and conveying large volumes of flood water.

Justification for Use of the Floodplain

The residence and garage were built in 2003. At that time, they were deemed to be in a good location. It would be cost-prohibitive to move the structures, and, because it is unlikely that any of the structures would be lost or damaged beyond repair by a flood event, it would not be expedient to move them.

The natural and beneficial values of floodplains (moderation of flood waters, maintenance of water quality, and groundwater recharge) would not be affected by retaining the existing facilities. Minimal effects on groundwater recharge would result from retaining the structures.

Area Flooding Characteristics

Within the White River Visitor Center complex, only the ranger residence is within the 100-year floodplain, and this only marginally – the residence is on the fringe of the floodplain. The associated garage is located within the estimated 500-year floodplain, and could be subjected to depths of about 2.5 feet.

Just downstream of the Visitor Center is a highway bridge and road grade that would present an obstruction to flows of high magnitude, and could create a backwater pool upstream of the bridge. Survey information indicates that the bridge deck elevation is about three feet below the foundation of the ranger residence. At that elevation, floodwaters would spill over the road grade and proceed down-drainage, away from infrastructure. The backwater pool would approach the foundation of the ranger residence. The residence is not likely to be inundated by the 100-year flood; however, it should be

considered as marginally within the 100-year floodplain. Therefore, relocation to any site of higher elevation would decrease the flood risk.

The additional discharge present in a 500-year flood would likely increase the depth of the backwater pool and result in a higher elevation flood. This would place the present location of the garage in about two to three feet of water in the event of a 500-year flood. The main concern in this vicinity is fuel and/or hazardous material storage. The storage of fuel is considered a “critical action” and, as such, is subject to 500-year floodplain compliance. Consequently, provision should be made to relocate stored fuel above the 500-year flood elevation, or to protect the building to that level.

Mitigation

The paramount goal in mitigation in a floodplain is to protect life. Accordingly, although there are no visitor facilities within either the 100- or 500-year floodplain, roads that fall within the floodplains would be closed in event of a flood. The lives of occupants of the ranger residence, ranger offices and garage would be protected by evacuation to higher ground via the access road. The access road from the ranger residence and garage immediately gains elevation, with a gradual slope of approximately 8 degrees, and is partially paved. The access road leads to BIA Highway 27, which runs north and south, and is to the east of the residence, ranger station, and visitor center. There would not be a wall of water; rather, the water would gradually pool, affording sufficient time for safe evacuation.

A secondary goal in mitigation is to protect a capital investment, in this case, the structures at the White River Visitor Center complex.

Ranger residence: Relocation of the ranger residence to any site of higher elevation would decrease the flood risk. However, because the flood risk is so low, and the cost of relocating the residence would be prohibitive, alternative methods of mitigation are preferred. Occasional water damage could be repaired. The structure could be protected with a low berm. If the structure needs preservation because of the costs of replacing it, a two-foot berm would be sufficient.

Garage: Because there is no fuel or hazardous material stored in the garage, the 500-year floodplain is not the regulatory floodplain; rather, the regulatory floodplain is the 100-year floodplain. The garage is not located within the 100-year floodplain. If fuel were to be stored in the garage at any future point, it should be located in an area that is above the 500-year flood elevation, or the building should be protected to that level with a ring dike or levee.

Summary

The National Park Service has determined that retaining the visitor facility, residence, and garage marginally in the 100-year floodplain of the White River is the most practical option. This determination was made based on the low likelihood of risk to visitors and staff from retaining the structures, the possibility of mitigating damage by adding a berm, dike, or levee around the structures, and the minimal effect of the facilities on the floodway and groundwater recharge.

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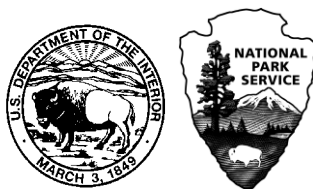
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As the nation's principal conservation agency, the Department of the Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering wise use of our land and water resources, protecting our fish and wildlife, preserving the environmental and cultural values of our national parks and historic places, and providing for the enjoyment of life through outdoor recreation. The department assesses our energy and mineral resources and works to ensure that their development is in the best interests of all our people. The department also promotes the goals of the Take Pride in America campaign by encouraging stewardship and citizen responsibility for the public lands and promoting citizen participation in their care. The department also has a major responsibility for American Indian reservation communities and for people who live in island territories under U.S. administration.

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