

## § 698u-2. Establishment of Tallgrass Prairie National Preserve

### (a) In general

In order to provide for the preservation, restoration, and interpretation of the Spring Hill Ranch area of the Flint Hills of Kansas, for the benefit and enjoyment of present and future generations, there is established the Tallgrass Prairie National Preserve.

### (b) Description

The Preserve shall consist of the lands and interests in land, including approximately 10,894 acres, generally depicted on the map entitled "Boundary Map, Flint Hills Prairie National Monument" numbered NM-TGP 80,000 and dated June 1994, more particularly described in the deed filed at 8:22 a.m. on June 3, 1994, with the Office of the Register of Deeds in Chase County, Kansas, and recorded in Book L-106 at pages 328 through 339, inclusive. In the case of any difference between the map and the legal description, the legal description shall govern, except that if, as a result of a survey, the Secretary determines that there is a discrepancy with respect to the boundary of the Preserve that may be corrected by making minor changes to the map, the Secretary shall make changes to the map as appropriate, and the boundaries of the Preserve shall be adjusted accordingly. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service of the Department of the Interior.

(Pub. L. 104-333, div. I, title X, §1004, Nov. 12, 1996, 110 Stat. 4205; Pub. L. 106-176, title I, §122(2), Mar. 10, 2000, 114 Stat. 29.)

#### AMENDMENTS

2000—Subsec. (b). Pub. L. 106-176 substituted "on June 3, 1994," for "of June 3, 1994,".

## § 698u-3. Administration of National Preserve

### (a) In general

The Secretary shall administer the Preserve in accordance with sections 698u to 698u-7 of this title, the cooperative agreements described in subsection (f)(1), and the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1, 2 through 4)<sup>1</sup> and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).<sup>1</sup>

### (b) Application of regulations

With the consent of a private owner of land within the boundaries of the Preserve, the regulations issued by the Secretary concerning the National Park Service that provide for the proper use, management, and protection of persons, property, and natural and cultural resources shall apply to the private land.

### (c) Facilities

For purposes of carrying out the duties of the Secretary under sections 698u to 698u-7 of this title relating to the Preserve, the Secretary may, with the consent of a landowner, directly

or by contract, construct, reconstruct, rehabilitate, or develop essential buildings, structures, and related facilities including roads, trails, and other interpretive facilities on real property that is not owned by the Federal Government and is located within the Preserve.

### (d) Liability

#### (1) Liability of the United States and its officers and employees

Except as otherwise provided in this subsection, the liability of the United States is subject to the terms and conditions of the Federal Tort Claims Act, as amended, 28 U.S.C. 2671 et seq., with respect to the claims arising by virtue of the Secretary's administration of the Preserve pursuant to sections 698u to 698u-7 of this title.

#### (2) Liability of landowners

(A) The Secretary of the Interior is authorized, under such terms and conditions as he deems appropriate, to include in any cooperative agreement entered into in accordance with subsection (f)(1) an indemnification provision by which the United States agrees to hold harmless, defend and indemnify the landowner in full from and against any suit, claim, demand or action, liability, judgment, cost or other fee arising out of any claim of personal injury or property damage that occurs in connection with the operation of the Preserve under the agreement: *Provided however*, That indemnification shall not exceed \$3 million per claimant per occurrence.

(B) The indemnification provision authorized by subparagraph (A) shall not include claims for personal injury or property damage proximately caused by the wanton or willful misconduct of the landowner.

### (e) Unit of National Park System

The Preserve shall be a unit of the National Park System for all purposes, including the purpose of exercising authority to charge entrance and admission fees under section 100904 of title 54.

### (f) Agreement and donations

#### (1) Agreements

The Secretary may expend Federal funds for the cooperative management of private property within the Preserve for research, resource management (including pest control and noxious weed control, fire protection, and the restoration of buildings), and visitor protection and use.

#### (2) Donations

The Secretary may accept, retain, and expend donations of funds, property (other than real property), or services from individuals, foundations, corporations, or public entities for the purposes of providing programs, services, facilities, or technical assistance that further the purposes of sections 698u to 698u-7 of this title.

### (g) General management plan

#### (1) In general

Not later than the end of the third full fiscal year beginning after November 12, 1996, the

<sup>1</sup> See References in Text note below.

Secretary shall prepare and submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a general management plan for the Preserve.

**(2) Consultation**

In preparing the general management plan, the Secretary, acting through the Director of the National Park Service, shall consult with—

- (A)(i) appropriate officials of the Trust; and
- (ii) the Advisory Committee; and
- (B) adjacent landowners, appropriate officials of nearby communities, the Kansas Department of Wildlife and Parks, the Kansas Historical Society, and other interested parties.

**(3) Content of plan**

The general management plan shall provide for the following:

- (A) Maintaining and enhancing the tallgrass prairie within the boundaries of the Preserve.
- (B) Public access and enjoyment of the property that is consistent with the conservation and proper management of the historical, cultural, and natural resources of the ranch.
- (C) Interpretive and educational programs covering the natural history of the prairie, the cultural history of Native Americans, and the legacy of ranching in the Flint Hills region.
- (D) Provisions requiring the application of applicable State law concerning the maintenance of adequate fences within the boundaries of the Preserve. In any case in which an activity of the National Park Service requires fences that exceed the legal fence standard otherwise applicable to the Preserve, the National Park Service shall pay the additional cost of constructing and maintaining the fences to meet the applicable requirements for that activity.
- (E) Provisions requiring the Secretary to comply with applicable State noxious weed, pesticide, and animal health laws.
- (F) Provisions requiring compliance with applicable State water laws and Federal and State waste disposal laws (including regulations) and any other applicable law.
- (G) Provisions requiring the Secretary to honor each valid existing oil and gas lease for lands within the boundaries of the Preserve (as described in section 698u-2(b) of this title) that is in effect on November 12, 1996.
- (H) Provisions requiring the Secretary to offer to enter into an agreement with each individual who, as of November 12, 1996, holds rights for cattle grazing within the boundaries of the Preserve (as described in section 698u-2(b) of this title).

**(4) Hunting and fishing**

The Secretary may allow hunting and fishing on Federal lands within the Preserve.

**(5) Financial analysis**

As part of the development of the general management plan, the Secretary shall prepare

a financial analysis indicating how the management of the Preserve may be fully supported through fees, private donations, and other forms of non-Federal funding.

(Pub. L. 104-333, div. I, title X, §1005, Nov. 12, 1996, 110 Stat. 4205; Pub. L. 106-176, title I, §122(3), Mar. 10, 2000, 114 Stat. 29.)

REFERENCES IN TEXT

The Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (16 U.S.C. 1, 2 through 4), referred to in subsec. (a), is act Aug. 25, 1916, ch. 408, 39 Stat. 535, known as the National Park Service Organic Act, which enacted sections 1, 2, 3, and 4 of this title and provisions set out as a note under section 100101 of Title 54, National Park Service and Related Programs. Sections 1 to 4 of the Act were repealed and restated as section 1865(a) of Title 18, Crimes and Criminal Procedure, and section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of Title 54 by Pub. L. 113-287, §§3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

The Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.), referred to in subsec. (a), is act Aug. 21, 1935, ch. 593, 49 Stat. 666, known as the Historic Sites Act of 1935 and also as the Historic Sites, Buildings, and Antiquities Act, which enacted sections 461 to 467 of this title. The Act was repealed and restated as section 1866(a) of Title 18, Crimes and Criminal Procedure, and sections 102303 and 102304 and chapter 3201 of Title 54, National Park Service and Related Programs, by Pub. L. 113-287, §§3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

The Federal Tort Claims Act, referred to in subsec. (d)(1), is title IV of act Aug. 2, 1946, ch. 753, 60 Stat. 842, which was classified principally to chapter 20 (§§921, 922, 931-934, 941-946) of former Title 28, Judiciary Code and Judiciary. Title IV of act Aug. 2, 1946, was substantially repealed and reenacted as sections 1346(b) and 2671 et seq. of Title 28, Judiciary and Judicial Procedure, by act June 25, 1948, ch. 646, 62 Stat. 992, the first section of which enacted Title 28. The Federal Tort Claims Act is also commonly used to refer to chapter 171 of Title 28, Judiciary and Judicial Procedure. For complete classification of title IV to the Code, see Tables. For distribution of former sections of Title 28 into the revised Title 28, see Table at the beginning of Title 28.

CODIFICATION

In subsec. (e), “section 100904 of title 54” substituted for “section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a)” on authority of Pub. L. 113-287, §6(e), Dec. 19, 2014, 128 Stat. 3272, which Act enacted Title 54, National Park Service and Related Programs.

AMENDMENTS

2000—Subsec. (d)(1). Pub. L. 106-176, §122(3)(A), made technical amendment to reference in original act which appears in text as reference to sections 698u to 698u-7 of this title.

Subsec. (g)(3)(A). Pub. L. 106-176, §122(3)(B), substituted “the tallgrass prairie” for “the tall grass prairie”.

CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

**§ 698u-4. Limited authority to acquire****(a) In general**

The Secretary shall acquire, by donation, not more than 180 acres of real property within the boundaries of the Preserve (as described in section 698u-2(b) of this title) and the improvements on the real property.

**(b) Payments in lieu of taxes**

For the purposes of payments made under chapter 69 of title 31, the real property described in subsection (a) shall be deemed to have been acquired for the purposes specified in section 6904(a) of that title.

**(c) Prohibitions**

No property may be acquired under this section without the consent of the owner of the property. The United States may not acquire fee ownership of any lands within the Preserve other than lands described in this section.

(Pub. L. 104-333, div. I, title X, §1006, Nov. 12, 1996, 110 Stat. 4208; Pub. L. 108-352, §17, Oct. 21, 2004, 118 Stat. 1398.)

## AMENDMENTS

2004—Subsec. (b). Pub. L. 108-352 substituted “subsection (a)” for “subsection (a)(1)”.

**§ 698u-5. Advisory Committee****(a) Establishment**

There is established an advisory committee to be known as the “Tallgrass Prairie National Preserve Advisory Committee”.

**(b) Duties**

The Advisory Committee shall advise the Secretary and the Director of the National Park Service concerning the development, management, and interpretation of the Preserve. In carrying out those duties, the Advisory Committee shall provide timely advice to the Secretary and the Director during the preparation of the general management plan under section 698u-3(g) of this title.

**(c) Membership**

The Advisory Committee shall consist of 13 members, who shall be appointed by the Secretary as follows:

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

(2) Three members shall be representatives of local landowners, cattle ranchers, or other agricultural interests.

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

(4)(A) One member shall be selected from a list of persons recommended by the Chase County Commission in the State of Kansas.

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

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

(5) One member shall be a range management specialist representing institutions of higher education (as defined in section 1001 of title 20) in the State of Kansas.

**(d) Terms****(1) In general**

Each member of the Advisory Committee shall be appointed to serve for a term of 3 years, except that the initial members shall be appointed as follows:

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

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

(C) Five members shall be appointed, one each from paragraphs (1) through (5) of subsection (c), to serve for a term of 5 years.

**(2) Reappointment**

Each member may be reappointed to serve a subsequent term.

**(3) Expiration**

Each member shall continue to serve after the expiration of the term of the member until a successor is appointed.

**(4) Vacancies**

A vacancy on the Advisory Committee shall be filled in the same manner as an original appointment is made. The member appointed to fill the vacancy shall serve until the expiration of the term in which the vacancy occurred.

**(e) Chairperson**

The members of the Advisory Committee shall select 1 of the members to serve as Chairperson.

**(f) Meetings**

Meetings of the Advisory Committee shall be held at the call of the Chairperson or the majority of the Advisory Committee. Meetings shall be held at such locations and in such a manner as to ensure adequate opportunity for public involvement. In compliance with the requirements of the Federal Advisory Committee Act (5 U.S.C. App.), the Advisory Committee shall choose an appropriate means of providing interested members of the public advance notice of scheduled meetings.

**(g) Quorum**

A majority of the members of the Advisory Committee shall constitute a quorum.

**(h) Compensation**

Each member of the Advisory Committee shall serve without compensation, except that while engaged in official business of the Advisory Committee, the member shall be entitled to travel expenses, including per diem in lieu of subsistence in the same manner as persons employed intermittently in Government service under section 5703 of title 5.

**(i) Charter**

The rechartering provisions of section 14(b) of the Federal Advisory Committee Act (15<sup>1</sup> U.S.C. App.) shall not apply to the Advisory Committee.

(Pub. L. 104-333, div. I, title X, §1007, Nov. 12, 1996, 110 Stat. 4208; Pub. L. 105-244, title I, §102(a)(4), Oct. 7, 1998, 112 Stat. 1618.)

<sup>1</sup> So in original. Probably should be “5”.