

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 Mounment 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.

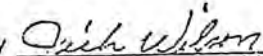
IN WITNESS WHEREOF, the said parties have hereunto

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

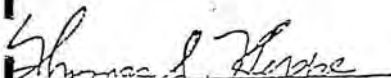
(SEAL)

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 preserving 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
SE4	20	43N	44W	160
S2	21	43N	44W	320
W2SW4	22	43N	44W	80
NW4NW4	27	43N	44W	40
ALL	28	43N	44W	640
E2SE4, NE4	29	43N	44W	<u>240</u>
Total:				1480

STRONGHOLD

ALL	22	42N	45W	640
E2	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	<u>160</u>
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 469-469c). 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 Ordinances and Resolutions

The following list provides a brief description of the OST ordinances and resolutions relevant to the management of the South Unit.

Ordinance 09-29. Ordinance of the Oglala Sioux Tribal Council approving the Memorandum of Agreement with the National Park Service for the THPO under the direction of the Natural Resources Regulatory Agency to assume and administer certain functions of the State Historic Preservation Office (SHPO), in accordance with the National Historic Preservation Act (August 28, 2009).

Ordinance 08-09. Ordinance of the Oglala Sioux Tribal Council creating a Tribal Historic Preservation Office (THPO) under the direction of the Natural Resources Regulatory Agency and associated positions to serve the Pine Ridge Reservation, building a Tribal Historic Preservation Program to administer the Tribe's Historic Preservation Ordinance, and establishing an Oglala Lakota Historic Preservation Advisory Council (April 21, 2008).

Ordinance 98-08. Ordinance of the Oglala Sioux Tribe establishing a policy for the protection and preservation of the environment, and the health and safety of the Oglala Sioux people of the Pine Ridge Indian Reservation by the adoption of the "Oglala Sioux Tribal Environmental Review Code" (April 28, 1998).

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).

Resolution 10-111. Resolution of the OST Council approving the Stirk Table Site as the location for the Lakota Heritage and Education Center (June 29, 2010).

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 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).

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. The costs associated with the alternatives acknowledge the history of the South Unit/proposed Tribal National Park and reflect the intent of that enabling legislation and the 1976 MOA. There currently exists extremely limited infrastructure in the proposed Tribal National Park: cost estimates are intended to acknowledge that reality and reflect real needs. Funding strategies need to include incremental and opportunistic funding sources and partnerships including tribal support and staffing capability.

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	\$2,200,00-2,950,000	\$2,200,00-2,950,000	\$2,200,00-2,950,000

The presentation of cost in general management plans is applied to the type and general intensities of development in a comparative format. The following applies to cost presented in this 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, and NPS models templates for construction projects.
- 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 into the future.
- Plans and non-facility needs and costs will be determined by South Unit/Tribal National Park managers as needs arise, and will take advantage of both internal and external opportunities for funding and expertise.

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 camping units in the interior. - 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.

	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"> - 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 between \$2,200,000 and 2,950,000 million. These are the same for each action alternative.

- **Resource Stewardship Strategy (\$150,000).** 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 (\$75,000).** 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 (\$125,000).** 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 (\$225,000).** 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 (\$95,000).** 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 (\$230,000).** 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 (\$100,000).** 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 (\$150,000).** 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 (\$750,000 – 1,500,000).** 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.

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)

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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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

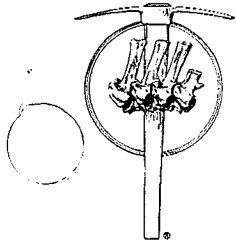
☒ No objections. However, if human skeletal remains and/or any objects falling under NAGPRA are uncovered during construction, please stop immediately and notify the appropriate persons (state & tribal NAGPRA representatives)

___ 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.

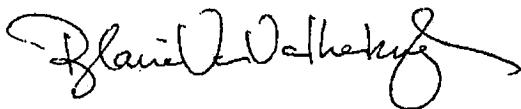
A fossil collected without this information has lost much of its value, and we know little more than that this animal lived and died. In contrast, when contextual data are collected and studied, we begin to understand how the animal lived. As paleontologists and geologists learn more ways to interpret 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.

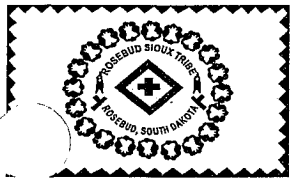
We feel it will be critical for the South Unit GMP to provide for the proper management of its paleontological resources. This management should include a system that enables qualified researchers to obtain permits and allows them to properly collect these resources. These permit applications, the research 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 elegant, with a large, sweeping flourish at the end.

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

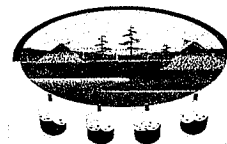
P.O. Box 809

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:

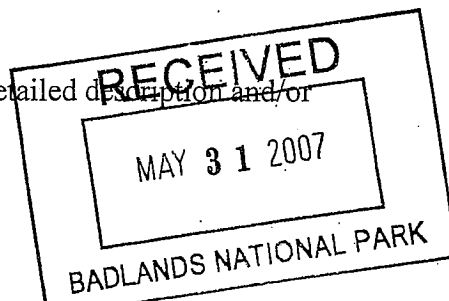
The U.S. Environmental Protection Agency Region 8 (EPA) has reviewed the *Notice of Intent to Prepare an Environmental Impact Statement* (EIS) for the South Unit General Management Plan. We provide these comments in anticipation of our review of the Draft EIS (DEIS) and in accordance with our authorities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



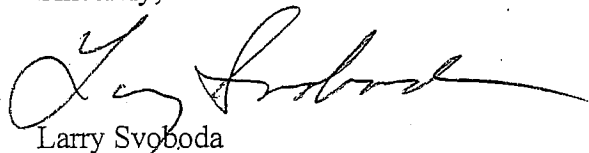
inventory of existing vegetation and soil types located in the South Unit. This would be used as a baseline condition to measure future impacts or improvements as the GMP is implemented. The DEIS should clearly describe the best management practices that will be implemented to control soil erosion and 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



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



H4219 (BADL)
xD18

February 8, 2011

Mr. Wilmer Mesteth
Oglala Sioux Tribe
Tribal Historic Preservation Officer
P.O. Box 320
Pine Ridge, South Dakota 57770

Dear Mr. Mesteth:

The National Park Service (NPS) is preparing a final general management plan at the South Unit of Badlands National Park (BADL), in cooperation with the Oglala Sioux Tribe (OST). The general management plan/environmental impact assessment (GMP/EIS) is intended to analyze the potential impacts to the human environment, including natural and cultural resources, associated with implementing aspects of the preferred alternative. In compliance with the National Environmental Policy Act of 1969 (NEPA) and Section 106 of the National Historic Preservation Act of 1966, as amended, and implementing regulations, the NPS is seeking your review and comment on the undertaking at Badlands National Park South Unit.

We previously submitted a copy of the draft GMP/EIS in which we determined that no historic properties will be affected within the South Unit by this planning exercise. We have determined that this plan will have no historic properties affected. We have determined that this GMP/EIS document is not intended to meet the requirements of any future action taken under this plan because any subsequent actions are speculative at this point, and lack the necessary detail to adequately determine impacts. All future actions referred to in this document will be required to meet all requirements of Section 106. As projects are developed, your office will be consulted concerning areas of potential effects, the identification of cultural resources, and the determination of eligibility for the National Register of Historic Places. Should such resources be affected by NPS actions, we will develop measures to avoid, minimize and/or mitigate adverse effects.

A final GMP/EIS is currently being prepared, but we have determined that the impact assessments found in the draft GMP/EIS will not change in the final GMP/EIS, and so the copy of the previously submitted document can be used to consult with your office. (A duplicate DVD is included for your convenience.) A copy of the final EIS will also be submitted to you once it is complete and released publically. We would appreciate a review and a written response to our request to concur with our determination by March 15, 2011. Should you have any questions regarding this project, please call either Deputy Superintendent Steve Thede or me at (605) 433-5281, or me by e-mail at eric_brunnemann@nps.gov.

Sincerely,

Eric Brunnemann
Superintendent

Cc:
Sharon Miles, NPS; 12795 Alameda Parkway, Denver, Colorado 80228
Steve Thede, Badlands National Park
Jay Vogt, SHPO, 900 Governors Drive, Pierre, SD 57501

Enc: Draft GMP DVD



United States Department of the Interior

FISH AND WILDLIFE SERVICE

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



August 24, 2011

Eric J. Brunnemann, Superintendent
National Park Service
Badlands National Park
25216 Ben Reifel Road
P.O. Box 6
Interior, South Dakota 57750

Re: General Management Plan and
Environmental Impact Statement for
the South Unit of Badlands National
Park, Shannon County, South Dakota

Dear Mr. Brunnemann:

This letter is in response to your request dated August 8, 2011, for endangered and threatened species comments regarding the General Management Plan and Environmental Impact Statement for the South Unit of Badlands National Park, located in Shannon County, South Dakota.

In our December 11, 2008, letter, we suggested that the whooping crane, black-footed ferret, and western prairie fringed orchid have the potential to be found in Shannon County. We are unaware of any existing populations of these species in the project area; however, it is the responsibility of the National Park Service to monitor the area for these species and to make a determination for effects from any work projects.

As stated in your Draft General Management Plan and Environmental Impact Statement in reference to Special Status Species/Threatened, Endangered, or Candidate Species, "these resources or topics are important, but alternatives in this plan would have only positive impacts and/or any adverse impacts would [be] negligible to minor." We concur with that statement. Please be aware that any adverse impacts to endangered and threatened species would need formal consultation.

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

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

Sincerely,

A handwritten signature in cursive script that reads "Scott Larson". The signature is written in dark ink and is positioned above the printed name and title.

Scott V. Larson
Field Supervisor
South Dakota Field Office

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 with minimal increases in water level.

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. There is little likelihood of flash flooding occurring; further, there is ample time for escape, and a very good escape route from the residence to the highway via the access road.

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.

STATEMENT OF FINDINGS
Executive Order 11988: Floodplain Management
White River Area Floodplain
Badlands National Park, South Unit
General Management Plan/Environmental Impact Statement

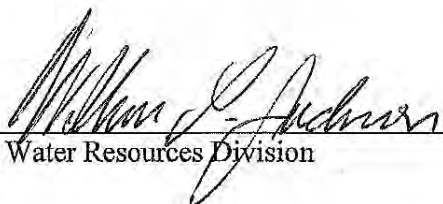
Recommended:



Superintendent, Badlands National Park

1/14/2011
Date


Certified for Technical Adequacy and Servicewide Consistency:



Chief, Water Resources Division

1/20/2011
Date

Approved:



Actg. Director, Midwest Region

3/3/11
Date

APPENDIX G: NON-IMPAIRMENT DETERMINATION

In addition to determining the environmental consequences of implementing the preferred and other alternatives, NPS *Management Policies 2006* (section 1.4) requires analysis of potential effects to determine whether or not the preferred alternative would impair a park's resources and values. The preferred alternative in this plan/EIS is alternative D.

The fundamental purpose of the national park system, established by the *Organic Act* and reaffirmed by the *General Authorities Act*, as amended, begins with a mandate to conserve park resources and values. NPS managers must always seek ways to avoid, or to minimize to the greatest degree practicable, adverse impacts on park resources and values. However, the laws do give the NPS the management discretion to allow impacts on park resources and values when necessary and appropriate to fulfill the purposes of the park. That discretion is limited by the statutory requirement that the NPS must leave resources and values unimpaired unless a particular law directly and specifically provides otherwise.

The prohibited impairment is an impact that, in the professional judgment of the responsible NPS manager, would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values (NPS *Management Policies 2006*). Whether an impact meets this definition depends on the particular resources that would be affected; the severity, duration, and timing of the impact; the direct and indirect effects of the impact; and the cumulative effects of the impact in question and other impacts.

An impact on any park resource or value may, but does not necessarily, constitute impairment. An impact would be more likely to constitute impairment to the extent that it affects a resource or value whose conservation is:

- necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park, or
- key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park, or
- identified in the park's general management plan or other relevant NPS planning documents as being of significance.

An impact would be less likely to constitute impairment if it is an unavoidable result of an action necessary to preserve or restore the integrity of park resources or values and it cannot be further mitigated.

Impairment may result from visitor activities, NPS administrative activities, or activities undertaken by concessioners, contractors, and others operating in the park. Impairment may also result from sources or activities outside the park.

A determination of impairment is made for each of the resource impact topics carried forward and analyzed in the environmental impact statement for the preferred alternative. Impairment findings are not necessary for visitor experience, socioeconomics and environmental justice, and park operations. These impact areas are not generally considered to be park resources or values according to the *Organic Act*, and cannot be impaired the same way that an action can impair park resources and values.

The park purpose and significance were used as a basis for determining if the preferred alternative would cause impairment.

The following describes each resource or value for which impairment is assessed and the reasons why impairment would not occur. **However, for all the resources listed below:**

- This general management plan provides comprehensive guidance for perpetuating natural systems, preserving cultural resources, and providing opportunities for quality visitor experiences at the South Unit. Its purpose is to ensure that park managers and the public share the same vision of how best to achieve the park's purpose and protect its resources unimpaired for future generations. General management planning is the first phase of tiered planning and decision making for national park units. General management plans look years into the future and consider a park holistically. A site-specific analysis of the potential for impairment of park resources and values will be required on all proposed projects in the park. The analysis must be included in a *National Environmental Policy Act* document on any proposed projects and would ensure that impairment of resources would not occur.

NATURAL RESOURCES

VEGETATION

Badlands National Park is at the western edge of what was once the mixed-grass prairie ecosystem. The mixed-grass prairie of the central United States was a transition zone between the arid short-grass prairie to the west and the moist tall-grass prairie to the east. In conjunction with the adjacent Buffalo Gap National Grassland, today the park supports one of the largest contiguous native mixed-grass prairies under federal protection in the United States, and it is part of one of the largest remaining mixed-grass prairies in North America (NPS 2007c).

The purposes of the South Unit are based on the purposes in the various pieces of legislation that created Badlands National Park as well as an understanding of the importance of the South Unit to the Oglala Sioux Tribe. The planning team recognized that the South Unit of Badlands National Park was established to preserve the flora, fauna, and natural processes of the mixed-grass prairie ecosystem. Furthermore, the substantial remnant of native prairie and mixed-grass prairie within the South Unit are identified within the park's significance statements. Implementation of the general management plan could cause localized, short- and long-term, negligible to moderate adverse effects associated with the development or improvement of facilities and visitor services. The elimination of livestock grazing in Range Unit 505 and the introduction of bison would result in beneficial effects, with some short- to long-term negligible to minor adverse impacts. Most native vegetation in the South Unit would continue to be protected and sustain itself under alternative D. The loss of native vegetation would be reduced by better protection and native vegetation would benefit from designating campsites, trails, and routes, eliminating the use of recreational vehicles from some areas, and increasing education and interpretation. The short- to long-term beneficial and adverse effects on native vegetation from alternative D would be negligible to moderate.

Because long-term adverse impacts of the preferred alternative on native vegetation would be no greater than moderate, and the contribution to overall adverse cumulative impacts would likely result in long-term minor adverse impacts to vegetation, there would be no impairment of vegetation under alternative D.

WILDLIFE

As stated above, one of the primary purposes of the establishment of Badlands National Park was to preserve the flora, fauna, and natural processes of the mixed-grass prairie ecosystem. This includes

unique characteristics such as the large prairie dog colonies that could provide habitat for the endangered black-footed ferret identified in the South Unit's significance statements. A variety of wildlife species occupy the Badlands woodlands, shrublands, and grasslands. A total of 37 mammal species, 202 bird species, 11 reptile and amphibian species, and 15 fish species have been documented in the Badlands (NPS 2007a).

New developments, improved access, and increased visitation to parts of the park would be the primary actions affecting wildlife and their habitat, resulting in short- and long-term, negligible to moderate adverse effects. Designation of approximately 90 percent of the South Unit as Natural Area/Recreation Zone would improve the protection of wildlife populations and habitats by eliminating recreational vehicle use in that area, resulting in long-term beneficial effects. Initiation of active restoration programs and integrated weed management would increase native habitat available. Reintroduction of bison would also be deemed a long-term beneficial effect. The impacts of cumulative action would likely result in long-term minor adverse impacts.

Because long-term adverse impacts of the preferred alternative on wildlife would be no greater than moderate, and the contribution to overall adverse cumulative impacts would be minor, there would be no impairment of wildlife under alternative D.

PALEONTOLOGICAL RESOURCES

The White River Badlands, which encompass both the North and South Units of Badlands National Park, contains the largest known assembly of Late Eocene and Oligocene Eocene mammal fossils in North America. Recognition of mako sica (bad land) as a significant paleontological area extends back to the traditional American Indian oral history of the area (Kiver and Harris 1999). Lakota people found large fossilized bones, fossilized seashells, and turtle shells. The Oglala Sioux Tribe considers paleontological resources to be part of their oral history and traditional beliefs (Potapova and Rom 2009).

The importance of the paleontological resources of the South Unit are conveyed in both the park purpose and significance. The park was established to preserve, interpret, and provide for scientific research of the paleontological and geological resources of the White River Badlands. While the park's geological and paleontological resources provide insight into climatic history, biological diversity, evolution, and geological processes particular to the boundary between the Eocene and Oligocene epochs. Furthermore, the fossil and geologic records provide a unique opportunity to trace the evolution of the prairie ecosystems of the Great Plains. Lastly, the long history of research in the White River badlands has contributed greatly to the science of vertebrate paleontology in North America.

Focusing on fossil resource protection, changes in proposed management would increase public education activities, reduce public vehicle access, and provide for increased law enforcement patrols under alternative D. A paleontological quarry would be developed for public education, paleontological research, and preservation. Livestock grazing would gradually be eliminated. Alternative D would result in beneficial effects on paleontological resources. Impacts related to removal of fossils by visitors and collectors, livestock trampling and continued weathering and mass wasting could be mitigated by continuing efforts to educate visitors, efforts to allocate existing law enforcement resources towards fossil protection, inventories to locate and protect fossils, and availability of professional personnel. Other actions inside and outside of the park could result in long-term beneficial effects.

Because long-term impacts of the preferred alternative on paleontological resources would be beneficial, and the contribution to overall cumulative impacts would be beneficial, there would be no impairment of paleontological resources under alternative D.

SOUNDSCAPES

The natural sounds within a park unit are frequently cited as an important part of the visitor experience, and protecting parks from high levels of intrusive sounds is a growing concern. Little quantitative information about sound levels in Badlands is available, but the park generally is considered to be a relatively quiet place. Noise caused by people includes vehicles on various roads used for recreation and as farm-to-market routes. Other sound disruptions might include visitors talking and shouting, park administrative operations at White River Visitor Center, and aircraft overflights.

Impacts related to soundscapes under alternative D would primarily be a result of constructing campgrounds, visitor facilities, and access to paved and unpaved pedestrian and horseback trails. Noise levels would likely increase in several places due to more visitors. Due to construction activities, short-term, moderate to major adverse effects to soundscapes would be expected. There would be long-term negligible to minor adverse effects on the park's soundscapes in local areas, largely due to visitation and administrative activities in developed areas. Combined with other actions within and outside of the South Unit, effects could be short- and long-term, negligible to major adverse.

Because long-term adverse impacts of the preferred alternative on soundscapes would be localized and no greater than minor, and the contribution to overall adverse cumulative impacts would be limited, there would be no impairment of soundscapes under alternative D.

CULTURAL RESOURCES

The purposes of the South Unit, based on the purposed in the various pieces of legislation that created Badlands National Park as well as an understanding of the importance of the South Unit to the OST, include preserving and interpreting the history, culture, and heritage of the Sioux Nation and Lakota people and preserving and interpreting the archeological and contemporary history of use and settlement of lands within the park. The significance of the park is steeped in its history; the park contains places of spiritual and historical significance to the Oglala people. Ethnographic resources and traditional cultural properties exist in the area and are generally acknowledged as part of the historical territory of the Lakota branch of the Sioux. The South Unit contains evidence of continuing Lakota traditional spiritual uses.

Alternative D would have the potential to result in beneficial effects on archeological resources. There would be an expected reduction in illegal removal of archeological resources from the South Unit by visitors and collectors and reduced livestock trampling. The increased knowledge about the resource base would improve the ability of the park to manage the resources, as well as improve project planning and decision making. Impacts resulting from continued weathering and mass wasting could be mitigated by continuing efforts to educate visitors, efforts to allocate existing law enforcement resources toward protection, and inventories to locate and protect archeological sites. Park staff would continue to protect, interpret, and provide opportunities for scientific research on archeological resources. People still could come to the South Unit and enjoy its values, including its archeology. The interpretive focus would be on the Lakota oral history view of these important resources. Items in museum collections would continue to be stored and maintained, with some facilities meeting NPS museum storage standards. Alternative D would have the potential to result in beneficial effects on ethnographic resources due to increased inventory and protection, and the addition of appropriate interpretation. Added to this, other actions in and outside of the park could result in a beneficial impact.

Because impacts of the preferred alternative on cultural resources would be beneficial, and the contribution to overall cumulative impacts would be beneficial, there would be no impairment of cultural resources under alternative D.

SCENIC RESOURCES

One of the South Unit's outstanding resources and values is the scenic beauty of its landscape that extends far beyond the boundary of the park in sweeping vistas. The scenic resources of the South Unit have a high degree of cultural significance. For centuries the beauty and solitude of this landscape have been important qualities that have added to the importance and value of the spiritual and ceremonial sites used by American Indians. The park purpose and significance statements acknowledge the importance of the park vistas. One purpose of the establishment of the South Unit includes to protect the unique landforms and scenery of the White River Badlands for the benefit, education, and inspiration of the public. The significance statements go on to acknowledge that the park contains spectacular scenery, predominantly highly eroded landforms that comprise a concentrated collection of rutted ravines, serrated towers, pinnacles, and precipitous gulches.

Under alternative D, additional facilities would be added to the park. These facilities would increase human use in the developed areas and along roadways. Any expanded residential or ranching structures would be visible in the vast open areas of the South Unit in the future. With the addition of trailheads more people would be dispersed throughout the park along trail for hikers and horseback use. These types of use can cause soil erosion and airborne dust particles that tend to linger in the air for short periods, affecting visibility. Overall, limited and highly dispersed new facilities and activities in areas of development would have short-term and long-term, localized, negligible to minor impacts on scenery and visibility. New sources of outdoor light associated with new structures would be introduced. These sources of light would be minimal. Public activities would generally be scheduled for daylight hours, and any lighting needs minimized. Impacts on night sky from the implementation of alternative D would be negligible to minor, long term, and adverse. Combined with other past, present, and reasonably foreseeable future impacts, impacts generated as a result of implementing alternative D would be long term, minor to major, and adverse.

Although potential long-term adverse impacts of the preferred alternative on scenic resources could reach long-term major, it is dependent on development outside of the South Unit. Impacts associated with the preferred action would not be greater than minor; there would be no impairment of scenic resources under alternative D.

SUMMARY

The NPS has determined that the implementation of the NPS preferred alternative (alternative D) will not constitute an impairment of the resources or values of the South Unit of Badlands National Park. As described above, adverse impacts anticipated as a result of implementing the preferred alternative on a resource or value whose conservation is necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park, key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park, or identified as significant in the park's GMP or other relevant NPS planning documents, would not rise to levels that would constitute impairment. This conclusion is based on consideration of each park's purpose and significance, a thorough analysis of the environmental impacts described in the EIS, relevant scientific studies, the comments provided by the public and others, and the professional judgment of the decision-maker guided by the direction of the *NPS Management Policies 2006*.

APPENDIX H:

BADLANDS GMP/EIS

PUBLIC COMMENT RESPONSE REPORT

A) Comment Distribution by Code

Code	Description	# of Comments
AE11000	Affected Environment: Species Of Special Concern	1
AE12500	Affected Environment: Wildlife and Wildlife Habitat (Non-Substantive)	1
AE18000	Affected Environment: Sacred Sites	1
AE18500	Affected Environment: Sacred Sites (Non-Substantive)	2
AE24500	Affected Environment: Paleontological Resources (Non-Substantive)	3
AE30000	Affected Environment: Bombing Range	2
AE31000	Affected Environment: Water Quality	1
AE7000	Affected Environment: Air Quality	1
AL4000	Alternatives: New Alternatives Or Elements	15
AL4050	Alternatives: New Alternatives Or Elements (Non-Substantive)	8
AL6050	Alternatives: Alternative B (Non-Substantive)	1
AL7050	Alternatives: Alternative C (Non-Substantive)	1
AL8000	Alternatives: Alternative D	8
AL8050	Alternatives: Alternative D (Non-Substantive)	15
AP1000	Appendices: General Comments	1
AQ1000	Air Quality: Guiding Policies, Regs, Laws	1
AQ4000	Air Quality: Impact Of Proposal And Alternatives	1
CC1000	Consultation and Coordination: General Comments	6
CC1500	Consultation and Coordination: General Comments (Non-Substantive)	2

Code	Description	# of Comments
CC2000	Consultation and Coordination: Request for Extension	1
CC2500	Consultation and Coordination: Request for Extension (Non-Substantive)	1
MO100	Management Options: General	6
MO150	Management Options: General (Non-Substantive)	38
MO300	Management Options: Option 2	13
MO350	Management Options: Option 2 (Non-Substantive)	16
MO750	Management Options: Option 6 (Non-Substantive)	82
MO850	Management Options: Option 7 (Non-Substantive)	92
MO900	Management Options: Training Staff and/or Tribal Members	2
MT1000	Miscellaneous Topics: General Comments	4
MZ150	Management Zones: General Comments (Non-Substantive)	1
PA4000	Paleontological Resources: Impact Of Proposal And Alternatives	8
PN1000	Purpose And Need: Planning Process And Policy	2
PN4000	Purpose And Need: Park Legislation/Authority	1
PO4000	Park Operations: Impact Of Proposal And Alternatives	2
SE4000	Socioeconomics: Impact Of Proposal And Alternatives	4
TC103	Preserve the Lakota Heritage	1
TC104	Preserve the Lakota Heritage (Non-Substantive)	8
VE4500	Visitor Experience: Impact Of Proposal And Alternatives (Non-Substantive)	1
WH4500	Wildlife and Wildlife Habitat: Impact of Proposal and Alternatives (Non-Substantive)	1
WQ1000	Water Resources: Guiding Policies, Regs And Laws	1
WQ4000	Water Resources: Impact Of Proposal And Alternatives	1
XX100	Blank Correspondence	4
Total		361

B) Distribution by Correspondence Type

Type	# of Correspondences
Other	14
Web Form	113
Park Form	8
Letter	41
E-mail	4
Total	180

C) Correspondence by Organization Type

Organization Type	# of Correspondences
Business	1
Federal Government	1
University/Professional Society	3
Conservation/Preservation	6
Tribal Government	1
Unaffiliated Individual	128
Civic Groups	39
Churches, Religious Groups	1
Total	180

D) Correspondence Distribution by State

State	Percentage	# of Correspondences
AZ	1%	1
CA	7%	12
CO	18%	33
CT	1%	1
FL	2%	3
ID	1%	1
IL	4%	7
IN	1%	2
MA	2%	3
MI	1%	2
MN	1%	1
MT	1%	1
NC	1%	2
ND	1%	1
NE	1%	1
NJ	1%	1
NM	1%	1
NV	1%	1
NY	2%	3
OH	1%	2
OR	1%	2
PA	1%	1
SD	33%	59
TX	3%	5
UN	4%	8

State	Percentage	# of Correspondences
UT	1%	1
VA	2%	3
WA	1%	1
WI	1%	2
WY	1%	2
Total		180

RESPONSE TO PUBLIC COMMENTS

This document was prepared for two reasons: to create a vision for how the OST and NPS would like to see the park managed in the future (potentially, a tribal national park), and to describe the alternatives for managing the South Unit's resources and visitor use.

We appreciate the desire expressed by commenters for definitive answers about the exact management of the Tribal National Park. However, the GMP/EIS is not intended to, and cannot, resolve issues that would be addressed in future legislation establishing a tribal national park. As well, the plan is not intended to explicitly detail each of the points that will be eventually included in an accompanying future agreement between the National Park Service and the Oglala Sioux Tribe. The descriptions of Management Options 1-7 in chapter 2 are included to provide additional information to the public at this juncture, but would, in several instances, require legislation to implement. This EIS will thus inform any future legislative process through the examination of the resource and visitor use alternatives. Subsequently, draft legislation would be authored by the NPS Administration, in consultation with the OST, based on the details in the revised Preferred Management Option.

All substantive comments received during the public comment period for the Draft GMP/EIS appear in this appendix. Those substantive comments were summarized in the following categories:

Fossil Collection

Issue statement: Many public comments expressed a desire that fossils be collected, and, where appropriate, restored. Replicas or casts of fossils should be developed and displayed. Numerous comments expressed a desire that the South Unit have an on-site museum in which fossils collected at the South Unit previously and in the future be stored, cast, and displayed. One commenter suggested that Tribal members, under the supervision of a trained specialist, could collect fossils.

Response: The GMP calls for display of fossils and/or fossil casts at the museum for educational purposes. Each action alternative also anticipates an eventual on-site repository for fossils collected from the South Unit both in the past and in the future, although those materials may have to be stored off site until a facility is constructed within the Lakota Heritage Educational Center. Access to, and collection of, fossils will be available to researchers and staff paleontologists. Trained staff will collect, protect, and curate fossils and other paleontological material.

Congressional Action

Issue statement: Several comments express concern that the Preferred Alternative may not be enacted and/or funded by Congress.

Response: The National Park Service acknowledges that the implementation of the Preferred Management Option—formation of a Tribal National Park—would require Congressional action, and that this action is outside the control of the agency. In the meantime, the National Park Service is committed to managing the South Unit of Badlands National Park in close coordination with the Oglala Sioux Tribe according to Preferred Alternative D in the final GMP/EIS.

Potential Development

Issue statement: A commenter stated that Sheep Mountain and Stronghold Tables should be excluded from development of any kind.

Response: In Preferred Alternative D, Sheep Mountain Table and Stronghold Table are within the Natural Area / Recreation Zone. This zone provides for visitors to experience outdoor activities such as hiking, camping, and horseback riding with only minimal development. The management zone as described on page 48 outlines the greatest level of development that could be allowed within the zone and does not dictate the level of development that must occur; park managers would most likely exclude specific areas within the zone from development in light of natural, cultural, and ethnographic resource needs.

Funding

Issue Statement: Commenters expressed concern about operational costs and underfunding.

Response: The NPS is legally required to provide cost estimates of proposed actions within general management plans. We appreciate the readers' concern for the realities of agency and/or government budgets, and we understand that approval of the GMP does not guarantee future funding or staffing.

Entrance Stations

Issue statement: A commenter wishes to have an entrance station at Red Shirt in Alternative D.

Response: The Preferred Alternative D envisions one or two entrance stations within the Development Zone that lies from north of Red Shirt Table to the White River Visitor Center. The specific location(s) will be determined after completion of the GMP.

Access

Issue statement: A commenter wanted unlimited access for research purposes for traditional/native uses.

Response: Research would be controlled by park managers through permits and other methods, consistent with regulations and policies of the NPS and OST.

Tribal Ordinances and Resolutions

Issue statement: A commenter provided the following references to updated Ordinances for Appendix C: Resolution 05-23XB and Resolution 05-54XB have been superseded by the following: Ordinance 08-09; Ordinance 09-29; and Ordinance 10-13.

Response: Appendix C has been updated with this information.

Operational Costs

Issue statement: Commenters expressed concern about the operational costs and underfunding.

Response: We received several comments on the topic of the costs in Appendix D that echo comments from the National Parks Conservation Association. Please refer to Response to NPCA letter, Comment #10.

Public Participation

Issue statement: Some commenters felt that there were not enough public open houses for the Draft GMP or that they were not in necessary locations. Another comment stated that GMP planners needed to work directly with the people, because they were not adequately informed about the GMP process by the OST offices. Several commenters requested that additional time be added to the comment period.

Response: In 2007, a total of 17 initial public scoping open houses were held in all districts on Pine Ridge Indian Reservation, and in Wall and Rapid City. Because of budgetary considerations, the 2010 open houses were offered in areas that were considered to be most convenient and accessible to the greatest number of reservation residents and the residents of western South Dakota. The GMP planning team consisted of NPS staff, representatives of OST agencies and government, and members of the general tribal public. Please see the list of Document Preparers on pp. 290-291. The 60-day comment period was extended an extra two weeks from October 18-November 1st, to accommodate requests for an extension.

Issue statement: A commenter requested an opportunity for public comment on the site for the LHEC.

Response: The site for the LHEC was affirmed by the Tribal Council on June 29, 2010 (Resolution 10-111). This decision was not part of the GMP process.

Sensitive Sites

Issue statement: Comments ranged from a request that historical and cultural sites be identified to a plea not to share the location of sensitive sites with the public.

Response: Confidentiality and disclosure of historical, archeological, and other cultural and sensitive site information will be in accordance with federal laws such as the *Archeological Resources Protection Act*, the *National Historic Preservation Act*, the *Freedom of Information Act*, as well as *NPS Management Policies 2006*.

Law Enforcement

Issue statement: Commenters felt that law enforcement staffing needs to be increased in the South Unit.

Response: An increase in law enforcement staff is anticipated in all action alternatives.

Returning the Land to Allottees/Descendants

Issue statement: Several commenters requested that the South Unit lands be returned to land owners, who could then lease the land to the park.

Response: Changes in the land ownership structure of the South Unit are beyond the scope of this GMP. In 1968, Public Law 90-468 provided a process and timeframe for the conveyance of interests and lands within the Badlands Air Force gunnery range and South Unit to former land owners. Eligible lands not transferred to individuals by the deadline were transferred to OST and are currently held in trust by the

United States on behalf of the tribe. In accordance with Public Law 90-468, NPS administers the South Unit area pursuant to an easement and the *1976 Memorandum of Agreement*.

Resource Protection

Issue statement: A commenter pointed out that unique rock formations should also be protected; another suggested deputizing local people for resource protection.

Response: We have added to the Natural Resources descriptions a statement concerning protection of geologic features. The park managers, in accordance with OST and NPS regulations and policies, would be responsible for determining how to best protect the resource.

Grazing Leases

Issue statement: A commenter expressed a desire to keep the livestock grazing leasing program in effect, and stated that lessees should not have to pay for fencing in a Tribal National Park; another comment suggested removing grazing leases in certain areas.

Response: The GMP presents a range of leasing alternatives, including gradually eliminating livestock grazing from what is now the South Unit. Leasing is discussed in each alternative and summarized in Table 4 (Range Management – Livestock). Park management would work with the individual lessees to determine when and how fencing, if needed, would be accomplished.

Private Lands

Issue statement: Comments requested that the current boundaries be redrawn to exclude private lands and stated that federal law should not apply to private lands; others suggested purchasing private land in and adjacent to the South Unit.

Response: The boundary of the proposed Tribal National Park would remain the same as the current boundary of the South Unit of Badlands. There are no plans to change the existing policy of the OST and practice of the NPS to purchase lands only from willing sellers. It is not the intention of NPS or this GMP to alter any existing rights of property owners within the boundary of the park. Maps in the final GMP/EIS for the South Unit of Badlands National Park have been amended to include the notation, “The NPS recognizes private in-holdings and other valid existing rights, and the management zones shown are not intended to imply otherwise.” During the planning process, the team did not assess the need for additional lands to be added to the South Unit.

Name of Tribal National Park

Issue statement: A commenter proposed Wankankil Makoce Ki (the awesome land) as the name for the Tribal National Park.

Response: The Tribal National Park’s name will be determined by the Tribe and confirmed by Congress.


Other Alternatives

Issue statement: One commenter felt there was an alternative not being presented here: immediate deauthorization with OST determining what to do with its treaty lands.


Response: Option 6 calls for immediate deauthorization with management by OST. Under that option, the Tribe would determine how the lands of the former South Unit are treated.

Issue statement: Numerous comments were received in support of Management Option 7.

Response: Throughout the planning process for this GMP, the team—made up of representatives of NPS and OST—has gathered the input of tribal members, other agencies, organizations, and the general public, and checked in regularly with the leadership of the Tribe and the NPS on the various management options. At each phase, there have been frank conversations regarding the trade-offs and consequences of various management options. In July 2010 and again in January 2011, the OST Tribal Council has chosen to support the option that provides for the recognition and exercise of tribal sovereignty in decision making along with the greatest assurances for resource protection and public use, as well as the option with the greatest financial stability/sustainability. The NPS concurs that Option 2—by providing for resource protection, public access, tribal sovereignty, and financial support—has the highest likelihood of long-term success.

Comment	Response
<div data-bbox="231 297 405 488">  </div> <div data-bbox="491 349 957 371"> <p><i>Working to Protect Native Species and Their Habitats</i></p> </div> <div data-bbox="480 375 966 393"> <p>P.O. Box 1512, Laramie, WY 82073 (307) 742-7978 fax: 742-7989 www.voiceforthewild.org</p> </div> <div data-bbox="648 440 783 461"> <p>October 20, 2010</p> </div> <div data-bbox="300 522 474 628"> <p>Superintendent Badlands National Park 25216 Ben Reifel Road PO Box 6 Interior, S.D. 57750</p> </div> <div data-bbox="300 646 984 773"> <p>Biodiversity Conservation Alliance (BCA) is a private non-profit organization based in Laramie Wyoming. Our mission is to protect wildlife and wild places in Wyoming and surrounding states. This letter is to express our general support for the Oglala Sioux Tribal (OST) management of the South Unit of Badlands National Park in western South Dakota as described in the National Park Service's Draft General Management Plan & Environmental Impact Statement; Preferred Alternative D and Preferred Management Option 2.</p> </div> <div data-bbox="300 790 984 1016"> <p>In terms of administrative process, we wish to point out our observation that the simultaneous and interdependent issuance of both South Unit Badlands National Park Draft General Management Plan & Environmental Impact Statement appears unnecessarily complicated. Addressing the General Management Plan and the Environmental Impact Statement in a sequential rather than parallel manner would seem to offer a more logical and less complicated process when considering public participation and comment. We submit that process and the public interests, and plain language concerns would be best served by first issuing the DGMP for public comment, following National Environmental Policy Act, Administrative Procedures Act and other applicable rules and guidelines toward establishment of a Final Management Plan prior to issuing the Draft Environmental Impact Statement with Alternatives. Our comments are offered in the context of and with the concern articulated in this paragraph.</p> </div> <div data-bbox="300 1036 963 1140"> <p>We will not repeat the history of our federal government's relationship with the Oglala Sioux/Lakota tribe and Native Americans in general over the past two-plus centuries. This history is well documented. We instead encourage the federal government to do the right thing now and transfer management authority of the South Unit of the Badlands national park to the Oglala Sioux.</p> </div> <div data-bbox="300 1159 980 1284"> <p>The Oglala Sioux Tribe has long waited for the National Park Service to honor its promises that it would build a visitor center and tribal heritage center on the South Unit of the Badlands National Park. BCA also encourages the National Park Service to build or make possible the building of the promised visitor center and tribal heritage center on the South Unit of the Badlands National Park. It appears that the pursuit of the Preferred Alternative D and Preferred Management Option 2 offer the best opportunity to honor past promises and agreements, made to</p> </div> <div data-bbox="226 1300 1008 1359"> <p><small>BOARD OF DIRECTORS: Perry Wechsler, Senior Atmospheric Scientist, University of Wyoming; Jeff Kessler, founder of Biodiversity Conservation Alliance; Chip Rawlins, author and former employee of Bridger-Teton National Forest; Jason A. Lillegraven, Professor Emeritus of Geology/Zoology, University of Wyoming; Lois Chickering, Founder Chickering Books in Laramie Wyoming; and Emillee Ostlund, former National Geographic Photographic Coordinator and creator of proongthpassage.com.</small></p> </div> <div data-bbox="495 1356 758 1372"> <p><small>Printed on 100 percent post-consumer recycled paper</small></p> </div>	<div data-bbox="1050 889 1205 915"> <p>Comment 1</p> </div> <div data-bbox="1253 284 1919 527"> <p>Response 1: It is the policy and practice of the National Park Service to combine the environmental analysis of alternatives within the document (here, the General Management Plan) that presents those alternatives. We also believe that having the alternatives descriptions and analysis in the same document makes it easier for the reader to understand the impacts of each potential alternative.</p> </div>

Comment	Response
<p>and with the Oglala Sioux Tribe. The 1976 MOA will also be properly addressed following the course set forth in the Preferred Alternative D and Preferred Management Option 2.</p> <p>BCA agrees with comments made in a recent news article by Philip Burnham. Burnham, a historian and author of a book about Native Americans and national parks, said the establishment of a tribal national park would help repay a debt that has long been owed to the tribe.</p> <p>Burnham noted, "They [the Oglala Sioux/Lakota Tribes] were never properly compensated for that land."</p> <p>Karl Jacoby, a Western History professor at Brown University, in the same news article explained that the creation of a tribal national park would be a "significant moment" in the evolution of the national parks, many of which were created from lands traditionally used by Native Americans.</p> <p>The addition of the 133,000-acre South Unit to Badlands National Park has long been a contentious issue for the tribe. The Oglala Sioux remain unhappy about the government's 1942 seizure of the land and its management practices since that time. Tribal members claim that the only way to settle their differences with the government is for the tribe to reclaim management authority.</p> <p>The Oglala Sioux and NPS agreed in 1976 to allow the federal government to manage the southern unit. However, the agreement has never been fully adhered to by the government. For example, NPS promised to build a tribal heritage center and visitor center—neither of which have materialized.</p> <p>It is fitting that the nation's first Native American managed national park would be established on the South Unit of Badlands National Park in western South Dakota. Biodiversity Conservation Alliance wishes to be on record as supporting the Preferred Alternative D and the Preferred Management Option 2 as described in the Draft General Management Plan and Environmental Impact Statement.</p> <p>We would like to see the South Unit be managed to attract far more than approximately 1% of the entire Badlands National Park's annual visitor base which numbers about 900,000. Our request for an appropriate management shift that would raise the priority of increasing the South Unit's appeal to the visiting public is reasonable considering the South Unit comprises more than half of the Badland's 244,000 acres. Tribal leaders have expressed interest raising the public profile of the South Unit <u>but in doing so minimizing development of the land and the disturbance of natural resources and wildlife as much as possible</u>. BCA shares this interest and supports the Tribe's stated approach to the issue of public enjoyment of the land.</p> <p>Some tribal members have expressed concerns that specific scientific archeological and paleontological digs have occurred too close to human graves and cultural or historical sites. Birgil Kills Straight, executive director of the Oglala Sioux Parks and Recreation Authority has</p>	<p>Response 2: Any archeological and/or paleontological excavation and removal that takes place in the South Unit would be subject to federal laws and NPS policy regulating such activities, which requires consultation with associated tribes prior to any such action. Further, any issues that arise related to the inadvertent discovery or intentional excavation of American Indian cultural items would be addressed through the process outlined in the <i>Native American Graves Protection and Repatriation Act</i> (NAGPRA).</p>

Comment	Response
<p>noted that the Park Service has failed to protect the southern unit's paleontological resources from off-highway vehicle users and fossil hunters. Kills Straight has been reported to say, "I think we can do a better job of protecting that area. We just never really had the responsibility."</p> <p>As a conservation organization we understand that off-highway vehicle recreation is a serious problem on public lands across the nation, regardless of the management authority over said lands. We support more strict enforcement of motorized recreation activities and we support giving the Oglala Sioux Tribe the opportunity to demonstrate improved management of this form of recreation on the South Unit of the Badlands National Park.</p> <p>On behalf of all United States' citizens, please adopt the Preferred Management Alternative D and Preferred Management Option 2—both of which appear to honor the best interests of the general public, the Oglala Sioux/Lakota Tribe and the land they love.</p> <p>We thank you for this opportunity to comment.</p>  <p>Duane Short Wild Species Program Director Biodiversity Conservation Alliance P.O. Box 1512 Laramie, Wyoming 82073</p>	

Comment	Response
<p>Lynn McClure National Parks Conservation Association 8 S. Michigan Ave. Suite 2900 Chicago, IL 60603</p> <p>October 31, 2010</p> <p>Mr. Eric Brunnemann Superintendent Badlands National Park P.O. Box 6 Interior, South Dakota 57750</p> <p>Dear Superintendent Brunnemann,</p> <p>On behalf of the 334,000 members of the National Parks Conservation Association, we are pleased to have the opportunity to comment on the South Unit, Badlands National Park Draft General Management Plan (GMP) & Environmental Impact Statement (EIS).</p> <p>The approach to the Preferred Management Option in this GMP proposes a unique situation in the National Park System and sets the stage for an unprecedented and historic move in our government's relations with tribal communities.</p> <p>The NPCA commends park service and Oglala-Sioux Tribe (OST) leadership for diligently working to forge new and stronger relations following years of a non-productive atmosphere and for investigating the many different options for managing the South Unit of Badlands.</p> <p>The National Park Service mission is "to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." (National Park Service Organic Act, 16 U.S.C.1)</p> <p>According to the Oglala Sioux Parks and Recreation Authority (OSPRA) "land is the most valuable resource of the Oglala Lakota People" and OSPRA is guided "to have respect and honor those we respect; that is everything around us." (Seven Basic Laws of OSPRA)</p> <p>These missions and guiding principles – of a federal agency and a tribe – are not mutually exclusive. In fact, this GMP seeks to formalize the principles and the relationship of these two entities in order to continue preservation and protection of the resources, wildlife, and rich cultural history and heritage of the South Unit of Badlands National Park. This relationship has been governed by an agreement in the past, the provisions of which have never fully been realized.</p>	



Comment		Response
<p>The 1976 Memorandum of Agreement (MOA) between the NPS and OST was a formalization of a partnership to manage and protect the land in the South Unit. The MOA states that "The Service and the Tribe will work toward the objective of having members of the Tribe fill all Service positions" in the South Unit and places "special emphasis" on training tribal employees to fill professional positions. But this formalized training never occurred in the spirit that the MOA prescribed.</p> <p>When signed, the Record of Decision for this GMP could start in motion a new model. A new MOA will be forged to replace the 1976 version and legislation will be necessary to accomplish the management transfer. This model must be developed with solemn responsibility and significant attention to detail as it will provide the basis for a new type of unit of the National Park System. As it is currently written, the GMP lacks attention to critical detail to move forward.</p> <p>Significance: The significance and unique characteristics of Badlands National Park are undeniable. They include spectacular scenery and panoramas, canyons, washes and ravines. The geological and paleontological resources provide unparalleled insight into evolution and the biological diversity of the region. The park contains one of the largest protected mixed grass prairies in the U.S. and is rich in wildlife, including the endangered black-footed ferret.</p> <p>The South Unit in particular contains tremendous historical and spiritual significance to the Oglala Sioux people and tells an important part of the American story. Nearly one million people visit Badlands National Park, and although most of these visitors see only the North Unit, with the improvements and development of visitor services detailed in the Draft GMP visitation to the South Unit will undoubtedly increase.</p> <p>The park has unique resources and is important to all Americans and clearly deserves inclusion in the National Park System.</p> <p>Preferred Management Option: Legal framework The GMP proposes to create a new classification of national park: the Tribal National Park. While the creation of any new national park unit is a complicated process, in this instance, the proposal is further complicated by the fact that the new park unit will be administered and managed by a federally recognized American Indian tribe on that tribe's reservation and on land belonging to that tribe. Thus, not only are complicated political, legal, and legislative concerns at issue, but additional questions are raised regarding the South Unit of Badlands National Park in light of the sovereignty of the Oglala-Sioux Tribe, and the unique trust relationship between the federal government and the tribe. NPCA feels strongly that as the NPS proceeds into such complicated and groundbreaking territory, the agency needs to provide clarity for its intended path.</p>	<p>Comment 1</p>	<p>Response 1: The commenter is correct that the North Unit of Badlands National Park does include an experimental population of the endangered black-footed ferret. Black-footed ferrets were released to the Conata Basin in hopes that they can become established again in the Badlands. While previous surveys indicate that suitable habitat likely exists, no reintroductions have taken place. There are no known populations of black-footed ferret currently in the South Unit. A full discussion regarding black-footed ferrets may be found on p. 127.</p>

Comment		Response
<p>The GMP covers Management Options, Management Zones, and alternatives for management of resources, visitor experience and interpretation. And while there is complete and detailed information on the environmental impacts and consequences of the Preferred Alternative D in resource and visitor management, there is virtually no detail about the Preferred Management Option #2, which specifies creation of a new Tribal National Park. In fact, Chapter 2 – Park Management Options, which should provide more insight into details of how the new management option would be applied, is simply a verbatim transcript from the Executive Summary.</p> <p>The questions raised regarding the Preferred Management Option are detailed below and must be addressed publicly in the GMP before legislation is drafted.</p> <p>How will federal environmental laws govern this new designation in the National Park System?</p> <p>The GMP does not explain the legal basis by which the OST will be bound to follow federal environmental laws which are otherwise applicable only to the federal government and units of the National Park System. For example, the National Environmental Policy Act (NEPA), the park service's primary public participation and planning law, directs how the federal government proceeds in proposing and planning for projects. By its very terms, NEPA does not apply to American Indian tribes. Similarly, the National Park Service Organic Act establishes the fundamental mission of the National Park Service – and, again, by its terms, does not apply to American Indian tribes. While the GMP states that it would require an "overall commitment" to the Organic Act, which would include an "overall adherence" to NPS policies, regulations, guidelines and laws, it is unclear precisely what form the "overall commitment" and adherence to these laws would take, particularly given that those laws do not apply to OST – the entity managing the park. A mere agreement by the OST to follow these laws would not be sufficient from a legal standpoint.</p> <p>What legal recourse will private citizens and organizations have?</p> <p>Because of the unique legal status of the Oglala-Sioux Tribe, this proposal has an additional layer of complexity. The OST is a sovereign government and, like state and federal governments, has sovereign immunity from lawsuits. Because the OST enjoys sovereign immunity, it must consent to be sued. At this point, it is unclear under what circumstances the OST would consent to be sued over its management of the South Unit of Badlands National Park. In the event that the tribe would not consent, private citizens and groups, such as NPCA, would essentially be foreclosed from any input into park management decisions. Taken together, these two issues raise significant questions, not only regarding how the OST will be bound to follow federal environmental law, but also how private citizens and groups could continue to monitor park management decisions.</p>	<p>Comment 2</p>	<p>Response 2: Under the Preferred Management Option, future management of the South Unit would be governed by federal laws, including the NPS <i>Organic Act</i> and federal environmental laws like the <i>Endangered Species Act</i>, the <i>National Environmental Policy Act</i> of 1969, and the <i>National Historic Preservation Act</i> of 1966, and by tribal ordinances or resolutions that are consistent with federal law. The NPS envisions that mechanisms or processes would be in place to allow for citizen involvement in park management decisions and to provide for legal recourse for alleged violations of applicable law.</p>

Comment		Response
<p>In case of conflict between federal and tribal law, which law prevails? Because the Draft GMP also specifies that the Tribal National Park will be governed according to OST tribal laws and regulations, it is unclear what law and procedure would control in the event there was a conflict between tribal and federal law. This new designation creates uncharted legal territory, which the NPS acknowledges in the GMP: "The combination of these [laws] could alter the management actions and practices of the South Unit in ways unforeseen at this time." (GMP, page iv)</p> <p>The GMP does suggest, however, that OST laws and regulations will be preeminent to federal environmental laws. Under its description of the Preferred Management Option, the GMP says: "The Tribal National Park would be managed in a manner consistent with the Tribal laws and resolutions of the OST and guided by all laws and policies generally applicable to units of the national park system." And "resources would be managed ... following the ordinances and regulations established by the OST and the policies pertaining to units of the national park system." However, under the description of Management Option 3 (shared management), the GMP describes the legal framework in exactly the opposite order: "Resources would be managed ... following the laws governing activities of the NPS and ordinances and regulations established by the OST."</p> <p>The GMP contemplates that under the preferred management option, OST laws and regulations will be preeminent to federal laws and regulations, while under the other options, it specifies that federal law will control. This is, however, not stated clearly, leaving questions as to NPS intent.</p>	<p>Comment 3</p>	<p>Response 3: Federal law would take precedence in all cases where there is a conflict between tribal law, ordinance, or resolution and Federal law. Legislation could be written to specify the exceptions where tribal law would prevail and then specify a method (e.g., <i>Memorandum of Agreement</i>, Superintendent's Compendium) to address changing conditions and new issues as they arise.</p>
<p>Will Tribal park staff use the National Park Management policies? The Management Policies are a critical tool for park service staff in managing natural resources and addressing visitor services. The Management Policies specify park system planning processes, public participation in planning, training, land protection, fee-setting, concessions, and visitor use. The Draft GMP is not clear as to whether or not these policies will be adhered to by staff at the newly created Tribal National Park.</p> <p>This lack of clarity regarding the Management Policies could directly impact visitors in the area of fee-setting, for example. The GMP does not specify who sets the fee structure and how decisions about fee increases are made. Park entrance fees should remain affordable in order to provide access to the park for all Americans.</p> <p>The Draft GMP is very thorough in its approach to managing the park's resources and planning for visitor use and as such is a valuable tool for the future of the South Unit. But if NPS Management Policies are not in effect the resource management provisions in the GMP itself may not be implemented.</p>	<p>Comment 4</p>	<p>Response 4: Under the Preferred Management Option, the management of the Tribal National Park, in general, will be governed by the standards, laws and policies that are applicable to units of the National Park System, and OST ordinances and resolutions (see p. 38, Option 2).</p>

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<p>How will the transition to tribal management occur? The GMP says National Park Service staff will "mentor" OST staff in park management skills. However, providing the level of training sufficient to maintain high standards for managing national park resources takes a significant amount of time. National park management is a highly technical profession and the people who do this work take years to acquire the necessary training, education and experience.</p>	<p>Comment 5</p>	<p>Response 5: The transition is envisioned as a series of job development experiences beginning with a shadow assignment, then a job-share arrangement, followed by a mentoring relationship. Each series would have a slightly different time frame for each stage in the process and a different transition timeline.</p>
<p>The GMP does not specify how training will take place, over what period of time, and the benchmarks to measure successful training. NPCA understands and respects that OSPRA has for years been managing lands and wildlife, but the standards for managing a unit of the National Park System are stringent and complex. And if the Tribal National Park is to remain in the National Park System, the training of park managers must be specified.</p>	<p>Comment 6</p>	<p>Ultimately, the first two phases should be complete in 2-2.5 years and the formal mentoring relationship complete within another 2 years. In this scenario, the NPS should be able to pull back from day-to-day involvement in 3-5 years and from a heavy technical assistance role in 15 years.</p>
<p>Conclusion: NPCA believes that if the South Unit is to become the nation's first Tribal National Park, remain in the National Park System, funded by the American people, and carry the park service Arrowhead, then the Organic Act and other laws and policies applicable to national parks must govern the management of this park. The GMP should explicitly state that all federal laws applicable to other units of the System will be applicable to the Tribal National Park.</p>	<p>Comment 7</p>	<p>Response 6: Please see the responses to Comments 4 and 5.</p>
<p>NPCA believes that tribal law should apply as well, but, in the unlikely event that a conflict exists between tribal law and the Organic Act, the Organic Act must govern. Similarly, NEPA analysis must be undertaken before significant management activities are approved, and private citizens and organizations must have the opportunity to challenge decisions that are not in the best interest of preserving this national park's resources for future generations.</p>	<p>Comment 8</p>	<p>Response 7: Please see the response to Comments 3 and 4.</p>
<p>NPCA believes that a professional training program for the tribal resource management staff should be developed, and should include timelines and benchmarks. If the Oglala-Sioux Tribe is expected to manage the South Unit in compliance with laws and policies like NEPA, they should be trained to do so. This training should include professional standards, a timeline and benchmarks, with portions of park management turned over to the tribe as benchmarks are achieved.</p>	<p>Comment 9</p>	<p>Response 8: See Response to Comments 3, 4, and 5.</p>
<p>The Draft GMP specifies 26 FTEs for the park, an increase of 24 over current levels. The current annual operating cost for the South Unit is \$166,000 and the proposed new annual level is \$3.1 million. The one-time facility costs are estimated at just under \$22 million. At a time when the National Park System is deeply underfunded, with a maintenance backlog approaching \$10 billion, it is difficult to imagine where the agency will find the funding to operate and maintain this park.</p>	<p>Comment 10</p>	<p>Response 9: Please see responses to Comments 4 and 5.</p>
<p>Because the Tribal National Park is a new designation within the National Park System it would require new legislation, but first these many questions must be addressed in the General Management Plan. NPCA cannot support the Preferred Alternative Management Option of Tribal National Park at this time given its legal uncertainties. We look forward</p>	<p>Comment 11</p>	<p>Response 10: Please see response to Comment 5.</p> <p>Response 11: NPS is legally required to estimate the potential cost of fully enacting the proposed alternatives and present those estimates in a GMP. Approval of the GMP does not guarantee future funding or staffing.</p>

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<p>to a revised Preferred Alternative that takes into consideration these important legal and branding issues. Any action taken at Badlands National Park is historic and precedent-setting and should provide a solid foundation for the park service, the tribe, and the American people for many years to come.</p> <p>Lynn McClure National Parks Conservation Association</p>	


Comment	Response
<div data-bbox="449 233 821 310">  </div> <div data-bbox="449 318 821 337"> <p>Public Employees for Environmental Responsibility</p> </div> <div data-bbox="310 347 978 384"> <p>2000 P Street, NW • Suite 240 • Washington, D.C. 20036 • 202-265-PEER(7337) • fax: 202-265-4192 e-mail: info@peer.org • website: www.peer.org</p> </div> <div data-bbox="686 418 814 440"> <p>October 19, 2010</p> </div> <div data-bbox="323 459 495 560"> <p>Mr. Eric Brunnemann Superintendent 25216 Ben Reifel Road PO Box 6 Interior, SD 57750</p> </div> <div data-bbox="323 597 564 620"> <p>Dear Superintendent Brunneman:</p> </div> <div data-bbox="323 638 938 699"> <p>Public Employees for Environmental Responsibility (PEER) offers comments on the Draft General Management Plan (GMP) and Environmental Impact Statement (EIS) for the South Unit of Badlands National Park.</p> </div> <div data-bbox="323 717 470 740"> <p>General Comment</p> </div> <div data-bbox="323 737 924 799"> <p>The National Park Service (NPS) and the Oglala Sioux Tribe have proposed in a draft GMP/EIS that the Congress enact legislation to designate the existing South Unit of Badlands National Park as a separate "Tribal National Park."</p> </div> <div data-bbox="323 816 924 958"> <p>Normally PEER would oppose any effort to eliminate lands from the national park system. However, in this case, PEER supports the preferred alternative that would do precisely that. In 1968 Congress authorized the inclusion of lands in the monument, mostly within the exterior boundary of the Oglala Sioux Reservation (82 STAT. 663; August 8, 1968). The added lands came to be known as the South Unit of Badlands National Monument. In 1978, Congress renamed Badlands as a "National Park" (92 STAT. 3521; November 10, 1978).</p> </div> <div data-bbox="323 976 945 1076"> <p>The 1968 act created a complicated legal arrangement between the NPS and the Oglala Sioux regarding the ownership and administration of the lands in the South Unit. It was an unusual arrangement that ultimately led to a failed partnership. PEER supports the preferred alternative because it will disentangle this relationship and remedy this existing and troubling arrangement.</p> </div> <div data-bbox="323 1096 499 1117"> <p>The Proposing Entities</p> </div> <div data-bbox="323 1115 945 1218"> <p>The Draft GMP/EIS is a joint product of the NPS and the Oglala Sioux Tribe. The NPS is an indispensable party to the proposal because the NPS possesses a property interest in the South Unit and administers the lands of the South Unit as part of the national park system. The Oglala Sioux Tribe is an Indian Tribe; a "domestic dependent nation(s)" (<i>Cherokee Nation v. Georgia</i>, 30 U.S. (5 Pet) 1 (1831). As a recognized political entity</p> </div> <div data-bbox="306 1276 968 1297"> <p>Field Offices: California • Florida • New England • New Jersey • Refuge Keeper • Rocky Mountain • Southwest • Tennessee</p> </div> <div data-bbox="569 1304 699 1325">  </div>	

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<p>which possesses a treaty with the United States, the Oglala Sioux Tribe retains a high (though not an unlimited) degree of sovereignty over its members and lands.</p> <p><u>Is This Draft an EIS or a Legislative EIS?</u> It is unclear whether the joint NPS/Oglala proposal is properly classified as an EIS or, more properly, should be entitled a “Legislative EIS” (LEIS). The preferred action alternative (as well as several of the non-selected alternatives) would require authorization by Congress. The preferred action alternative recommends that Congress adopt certain laws, though the Draft GMP/EIS does not contain any proposed legislative language. National Environmental Policy Act (NEPA) regulations at 40 CFR 1506.8 require that a “legislative environmental impact statement...is to be included in a recommendation or report on a legislative proposal to Congress...” The NPS and the Oglala Sioux need to examine if their proposed action constitutes a LEIS.</p> <p><u>A Tribal National Park</u> The Draft GMP/EIS preferred alternative recommends that the Congress designate what is now the South Unit of Badlands National Park as a distinct Tribal National Park closely associated with the national park system, but not a part of it. (Draft, p. iv). PEER supports designating the South Unit as a Tribal National Park because it would remove an unmanageable arrangement from the national park system. The arrangement has been a troublesome one for several decades, and the preferred alternative offers a reasonable, though not the only, resolution.</p> <p>Congress has never before designated a “Tribal National Park.” The Draft preferred alternative asks Congress to break new ground. Several Indian Tribes have designated Tribal Parks on their reservations. Most notable is Monument Valley on the Navajo Reservation in Utah and Arizona. The Southern Ute Tribe designated a park on Ute Reservation lands adjacent to Mesa Verde National Park in Colorado. Santa Clara Pueblo administers the Puye Cliffs as a park in New Mexico. All of these designations are the actions of Tribal Governments. None have been granted the title of “Tribal National Park” by Congress. The South Unit would be the first. For this reason, it should be done carefully and thoughtfully. Like separating conjoined twins, the proposing parties and the Congress must pay painstaking attention to every detail. The next series of comments address some of those details.</p> <p><u>Land Status</u> The land transactions leading to the creation of the South Unit are complex. Most (but not ALL) lands in the South Unit were originally within the confines of the Pine Ridge Indian Reservation. (“Inasmuch as (A) most of the lands added to Badlands National Monument by section 1 of this Act are inside the boundaries of the Pine Ridge Sioux Indian Reservation,..., 16 U.S.C. 441/). emphasis added.</p> <p>The Pine Ridge Reservation is a small part of the Great Sioux Reservation, originally established by the Treaty between the United States and the Sioux signed at Fort Laramie, Wyoming in 1868. During World War II, the United States leased from the Oglala Sioux a strip of land in the Pine Ridge Reservation 43 miles by 12.5 miles for use</p>	<p>Comment 1</p> <p>Response 1: This document is a draft EIS, and was prepared for two reasons: to create a vision for how the OST and NPS would like to see the park managed in the future (potentially, a tribal national park), and to describe the alternatives for managing the South Unit’s resources and visitor use. This EIS describes the consequences that could occur when one of Alternatives A, B, C, or D are implemented.</p> <p>This document is not meant to be a legislative EIS. A tribal national park would require legislation for its establishment. It will take time for this to occur. The descriptions of Management Options 1–7 in chapter 2 are meant to inform a future legislative process through an examination of the options for increasing OST involvement in the management of the South Unit. Subsequently, draft legislation would be authored by the NPS Administration, in consultation with the OST, based on the details in the Preferred Management Option.</p> <p>Because any change to the status of the South Unit requires Congressional input, this Preferred Management Option will be presented to Congress for action, accompanied by any required analysis of the impacts to the human environment associated with the management options discussed here.</p>

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<p>as the Badlands Gunnery Range. The United States also acquired some lands in that strip from individual Indian owner-allottees, and from other private parties.</p> <p>The Air Force declared most of the gunnery range to be excess property. On August 19, 1969, the Air Force transferred to the Secretary of the Interior administrative jurisdiction over approximately 197,000 acres. Not all of these lands lay within the boundaries of South Unit, as defined in the 1968 act. Approximately 123,000 acres were within the South Unit. Of these 123,000 acres, the Air Force had acquired 43,000 acres that were not lands leased from the Sioux Tribe but that now lay within the newly-established South Unit. The remainder - 80,000 acres were lands that been leased from the Tribe for the Gunnery Range.</p> <p>Two land exchanges then ensued, as authorized by section 5(a) of the 1968 Act. On January 2, 1976, Secretary of the Interior Thomas Kleppe conveyed to the Oglala Sioux by Trust Deed approximately 43,000 acres (42,962.77 acres to be precise). These lands became lands held in trust for the Oglala Sioux as part of the Pine Ridge Reservation under section 5(c) of the 1968 act. However, the conveyance contained two reservations. First, the United States reserved "all mineral rights" in the 43,000 acres (the reservation of mineral rights was required by section 5(a)). Second, the United States reserved the right to use the 43,000 acres "for monument purposes."</p> <p>On February 9, 1976, the Oglala Sioux Tribe conveyed to the United States an easement on the 80,000 acres (80,155.95 to be precise) of former Pine Ridge land, leased for the gunnery range and relinquished by the Air Force, that lay within the South Unit. That easement was for "the right of the United States to use the following tribal lands, all located within the South Unit of the Badlands National Monument, for monument purposes..." Badlands National Monument Deed No. 215.</p> <p>According to registered deeds, the United States possesses a property interest, in the form of an "easement," on exactly 123,118.72 acres of the South Unit. The easement is contained in two deeds, the first is an easement reservation in the conveyance of 42,962.77 acres to the Oglala; the second conveyed an easement to the United States of 80,155.95 acres from the Oglala.</p> <p>The NPS and the Oglala now seek that Congress create a Tribal National Park of the South Unit. Part of that process logically requires that the United States relinquish its easement on the South Unit lands; lands that constitute nearly one-half of the existing Badlands National Park. Resolving land status must be addressed in any prospective recommendation to Congress on legislation.</p> <p><u>Minerals</u></p> <p>In addition to the 123,000 acre easement owned by the United States in the South Unit, the United States owns outright all of the mineral interests in 43,000 of those acres. In the deed of January 2, 1976, as required by section 5(a) of the 1968 Act, the United States reserved all mineral rights when conveying title to 43,000 acres in the South Unit to the Oglala Sioux. Thus, the mineral estate in these 43,000 acres is not now held in</p>	<p>3</p>

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<p>Trust for the Tribe as part of the Pine Ridge Reservation but is owned by the United States alone.</p> <p>Up until now, the minerals reserved by the United States posed no problem for the South Unit. The subsurface mineral interests lay within Badlands National Park, an area of the national park system. As such, the 43,000 acres of reserved minerals are withdrawn from location of mining claims under the Mining Law of 1872 by the Mining in the Parks Act of 1976 (16 U.S.C. 1901). They are closed to the issuance of Federal mineral leases under the Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 <i>et seq.</i>). The mineral interest reserved by the United States is closed to the sale of mineral materials under the Mineral Materials Act of 1947 (30 U.S.C. 601 <i>et seq.</i>). The 43,000 acres are closed to geothermal leasing under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 <i>et seq.</i>). However, in the event that the South Unit of Badlands National Park is abolished and replaced by a "Tribal National Park," the statutory prohibitions on the disposal of minerals in parks will no longer apply because the 43,000 acres of reserved Federal minerals will no longer lie within an area of the national park system.</p> <p>To prevent this unforeseen, and likely unintended, outcome any recommendation by the NPS and the Oglala Sioux to Congress to remove the South Unit from the national park system and create a Tribal National Park must address the 43,000 acres of federally-owned mineral estate that would lie within a new Tribal National Park. That recommendation should preclude the Secretary of the Interior from allowing the location of mining claims, or disposal of minerals, mineral materials or geothermal resources by lease or sale, just as if the area were a national park.</p> <p>The status of these 43,000 acres is in sharp contrast to the 80,000 acres that were tribally-owned prior to August 8, 1968. The 80,000 acres were leased during World War II by the War Department and relinquished by the Air Force. They are Tribal Trust lands that include the mineral estate. The 1968 Act that created the South Unit made clear that the inclusion of these lands in the South Unit would not impair the right of the Oglala Sioux to use such lands for "...mineral development, including development for oil and gas." (16 U.S.C. 441(a)). Should the NPS and the Tribe decide to recommend to Congress that the South Unit be a "Tribal National Park," the recommendation must address whether mineral development should be allowed on the 80,000 acres under laws and rules that govern Indian Reservations at 25 U.S.C. and 25 CFR.. PEER recommends that as a Tribal National Park, the first to be designated by Congress, no mineral development be allowed, including Tribal Trust minerals.</p> <p><u>Utility-Scale Energy Development</u></p> <p>The Draft EIS/GMP is also silent on the possibility of utility-scale energy development on a prospective Tribal National Park. PEER refers to wind farms or solar power plants. These kinds of developments are not allowed in an area of the national park system. Because the United States possesses an easement on the surface of the South Unit, the NPS would not permit, and has not permitted energy developments in the South Unit. Should the NPS and the Tribe recommend that Congress designate the South Unit a Tribal National Park, PEER recommends that such a park be closed to energy</p>	<p></p> <p>Comment 2</p> <p>Comment 2 continued</p> <p>Comment 3</p>	<p>Response 2: Under the Preferred Management Option, federal environmental and historic preservation laws, tribal ordinances and policies, and the Organic Act, will guide future management of the South Unit.</p> <p>Response 3: Please see Response #2.</p>

Comment	Response
<p>developments such as wind farms and solar power plants, except for generation of power for local infrastructure, such as visitor centers, ranger stations and the like. }</p> <p>Hunting Few ideas reverberate more consistently throughout the history of the national parks than that the parks are strict sanctuaries for wildlife; a protection to be waived only by Congress. Congress has never authorized recreational sport hunting in a National Park (spelled with capitals!) since Congress closed Yellowstone National Park to sport hunting in 1894 (16 U.S.C. 24). (Some incorrectly allege that Congress authorizes sport hunting in Grand Teton National Park. However, Congress authorizes "direct reduction of elk" by persons deputized as rangers at Grand Teton. See 16 U.S.C. 673c).</p> <p>The NPS allows hunting in the South Unit of Badlands. Hunting in an area denominated as a "National Park" is very troubling. Hunting in the South Unit is one more anomaly that justifies the removal of the South Unit from its current status as part of Badlands National Park. The South Unit anomaly should not serve as a model for other parks. Removing the South Unit eliminates a possible source of contagion. The following explains how hunting came to be in the South Unit.</p> <p>On January 2, 1976 Secretary of the Interior Thomas Kleppe and NPS Director Gary Everhardt signed a Memorandum of Agreement (MOA) with Dick Wilson, President of the Oglala Sioux Tribal Council concerning the administration of the South Unit. The MOA was signed on the same day that the Secretary transferred title to 43,000 acres of Federal lands to the Tribe, reserving an easement to the United States. That easement reservation was "...for monument purposes, including the right (of the NPS) to manage fish and wildlife and other resources...all in accordance with the Memorandum of Agreement between the Tribe and the Secretary of the Interior." Badlands N.M. Deed No. 220.</p> <p>On February 9, 1976, the Tribe conveyed an easement on 80,000 acres of Tribal Trust lands to the United States in exchange for title to the 43,000 acres (with easement and minerals reserved to the U.S.) the Tribe received on January 2, 1976. The MOA covers both the easement on the 80,000 acres of the South Unit, as well as the 43,000 acres. The Tribes deed to the United States states "...the Oglala Sioux Tribe...hereby grants an easement to The United States of America...for the right of the United States to use the following tribal lands, all located within the South Unit of the Badlands National Monument, for monument purposes, including the right to manage fish and wildlife and other resources...: provided however that the right of the United States to use these lands for monument purposes shall be as more particularly described in the Memorandum of Agreement between the Tribe and the Secretary of the Interior and shall not otherwise impair the right of the Oglala Sioux Tribe to use such lands for grazing purposes and mineral development, including development for oil and gas." Badlands N.M. Deed No. 215.</p> <p>The MOA contains 22 points. Point 3 focused on hunting. Point 3 states "[T]he right of the Tribe to hunt on Reservation lands is recognized. No hunting on the Badlands South</p>	<p>Comment 3 continued</p>

Comment	Response
<p>unit by non-members (of the Tribe) 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." Appendix A provides that the NPS "will 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."</p> <p>The 1968 law establishing the South Unit and authorizing the land exchanges (and reservation to the United States of an easement for monument purposes) speaks specifically to the Oglala right to develop minerals and graze the lands in question. The law says nothing about hunting. NPS rules generally prohibit hunting or the killing of wildlife except where provided in law (36 CFR 2.1 and 2.2). Today, it is of little use to examine whether the MOA appropriately authorized Oglala Sioux hunting in the South Unit. Hunting occurs there and the NPS has never really regulated it.</p> <p>In a Tribal National Park, the Oglala Sioux should be allowed to hunt on their Reservation lands, presumably no longer encumbered by the reservation to the United States of an easement for monument purposes. Congress should decide if such hunting is limited to Tribal members, as under the current MOA, or if the Tribe may conduct commercial, guided hunts for non-members. PEER prefers the former. The Draft GMP/EIS is silent on this issue.</p> <p>Summary PEER supports eliminating the South Unit from the Badlands National Park. Its presence has added little. Its complexity has degraded and compromised the integrity of the national park system. The hoped-for partnership failed. But if Congress were to designate the South Unit as the nation's very first Tribal National Park, we urge that such an area at least resemble a park in both its integrity and administration.</p> <p>Entitling the area as a Tribal <i>National</i> Park should have some meaning. PEER opposes a "Third-World" type park, in which the area is designated but has little real or substantive protections. It would be better for the United States to relinquish its easement and transfer its mineral estate to the Oglala Sioux Tribe and allow the Secretary and the Tribe to manage these lands under the applicable laws that govern Indian Reservations, free from any illusion that it is a park. The Tribe would be free to designate its own Tribal Park, as have several other Indian Tribes. Under this scenario there would be no "Tribal <i>National</i> Park." PEER will continue to offer comments and suggestions that may help the NPS, the Tribe and Congress to successfully create a real "Tribal National Park," the nation's first.</p> <p>Cordially  Jeff Ruch Executive Director</p>	<p>Response 4: Today, in the South Unit, hunting is open only to OST members. This activity is primarily subsistence hunting, a recognition of the traditional lifeways of the Lakota. Under the Preferred Management Option, hunting for tribal members would be managed by the Tribe (p. 39).</p> <p>Comment 4</p>

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<p>Dawn Montanye WWF 202 South Black, Suite 3 Bozeman Montana 59715</p> <p>11/01/2010</p> <p>Dear Superintendent Brunnemann:</p> <p>On behalf of World Wildlife Fund's 1.2 million members nationwide, we thank you for the opportunity to comment on the General Management Plan/EIS for the South Unit of Badlands National Park. The South Unit of Badlands National Park is part of a system of grasslands in the Northern Great Plains (NGP) that is one of the most biologically significant landscapes in the world. In 2004, the World Wildlife Fund (WWF) and other partner organizations in the Northern Plains Conservation Network determined that Badlands/Conata Basin is one of the most diverse and exceptional of all the landscapes within the NGP, largely due to high numbers of endemic grassland species, intact grasslands, and in places, limited road development (Forrest et al. 2004). Many of these species existing in this area are globally imperiled as well as of regional concern.</p> <p>In addition to the biological significance, there are also socioeconomic challenges that face this area and in particular those who live and work in and around the South Unit on Pine Ridge reservation. In a 2009 report, New Directions for the Prairie Economy (Freese et al. 2009), WWF documented that over the last two decades rural and Indian counties have lagged far behind metropolitan areas in terms of economic growth and employment. The report also indicates that nature based economic activities can provide opportunities both for economic development and continued and increased biodiversity conservation. As it is, current visitation to the South Unit is just a fraction of what occurs in the North Unit of Badlands National Park.</p> <p>WWF supports the preferred alternative: Alternative D which focuses on restoration with expanded access and opportunities for visitors. The resource and visitor experience plan for the South Unit of Badlands National Park should reflect the unique significance of this landscape by prioritizing conservation and biological restoration as well as creating awareness and visitation that can help stimulate the economy of region and perpetuate further conservation.</p> <p>Regarding management options, WWF supports the planning team's preferred option, Option 2: Tribal National Park which is also supported by the Badlands Superintendent, the Midwest Regional Director, the NPS Director, OSPRA, and the OST Tribal Council and President.</p> <p>As the first National Tribal Park, carrying both the logos of the OST and NPS, it is imperative that careful attention be paid to its implementation, so as to honor the rules and regulations laid out for management of National Parks and to ensure the integrity of our National Park system. In particular, attention should be paid to resolving issues of:</p> <ul style="list-style-type: none"> • Mineral rights. No mineral development should be allowed, including Tribal Trust minerals in the Tribal National Park. • Utility scale energy development. The Tribal National Park should be closed to energy developments such as wind farms and solar power plants, except for generation of power for local infrastructure. <p>Thank you for consideration of these comments.</p>	<p>Response 1: Under the Preferred Management Option, federal environmental and historic preservation laws, tribal ordinances and policies, and the Organic Act, will guide future management of the South Unit.</p> <p>Comment 1</p>

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<div data-bbox="239 250 344 347"> </div> <div data-bbox="407 250 869 367"> <p>UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 8 1595 Wynkoop Street DENVER, CO 80202-1129 Phone 800-227-8917 http://www.epa.gov/region08</p> </div> <div data-bbox="575 383 680 409"> <p>OCT 17 2010</p> </div> <div data-bbox="260 415 386 441"> <p>Ref: 8EPR-N</p> </div> <div data-bbox="260 461 533 574"> <p>Eric J. Brunneemann, Superintendent Badlands National Park 25216 Ben Reifel Road P.O. Box 6 Interior, South Dakota 57750</p> </div> <div data-bbox="596 594 1016 662"> <p>RE: EPA Comments on Draft General Management Plan/Environmental Impact Statement, South Unit, Badlands National Park, CEQ # 20100326</p> </div> <div data-bbox="260 685 533 711"> <p>Dear Superintendent Brunneemann:</p> </div> <div data-bbox="260 730 1016 958"> <p>In accordance with our responsibilities under the National Environmental Policy Act (NEPA), 42 U.S.C. Section 4321, <i>et seq.</i>, and Section 309 of the Clean Air Act, 42 U.S.C. Section 7609, the U.S. Environmental Protection Agency Region 8 (EPA) has reviewed the August 2010 Draft General Management Plan (GMP) and Environmental Impact Statement (DEIS) for the South Unit of Badlands National Park ("South Unit"). This DEIS was prepared by the National Park Service (NPS), in close consultation with the Oglala Sioux Tribe, to analyze potential environmental impacts associated with implementing the GMP for the South Unit over approximately the next 20 years. The GMP provides comprehensive guidance for perpetuating natural systems, preserving cultural resources, and providing opportunities for quality visitor experiences at the South Unit.</p> </div> <div data-bbox="260 977 1016 1250"> <p>The South Unit, which consists of 133,300 acres and includes the Palmer Creek Unit, is approximately 65 miles southeast of Rapid City, South Dakota, and is located within the Pine Ridge Indian Reservation. In addition, most of the South Unit is located within the former U.S. Air Force Bombing Range, where a cleanup effort is ongoing by the U.S. Army Corps of Engineers and the Oglala Sioux Tribe. The South Unit is bordered by Buffalo Gap National Grassland, the Pine Ridge Indian Reservation, and private lands (primarily ranches and farms). Some of the region's most valued natural resources are found in the park, including table mesas, deep canyons, washes, ravines, and large areas of mixed grass prairie. In addition, the area is of great historical and spiritual significance to the Oglala Sioux. The South Unit is administered to provide for the care, maintenance, and preservation of prehistoric, historic, scientific, and scenic interests; to interpret the history of the Sioux Nation and Lakota people; and to develop facilities that will provide for public use and enjoyment.</p> </div>	


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<p>The preferred alternative (Alternative D) focuses on restoration of natural ecosystems with expanded access and recreational opportunities for visitors, including interpretation of natural, cultural, and paleontological resources. Visitor activities would be focused in a developed front-country area that would provide a variety of services and amenities around the perimeter, while the interior of the South Unit would be managed as backcountry. Approximately 90% of the South Unit's lands would be designated as a Natural Area/Recreation Zone that would include primitive campgrounds, backcountry patrol/equestrian facilities, and access by unpaved pedestrian and horseback riding trails. Approximately 10% of the lands would be designated as a Development Zone to be located on the perimeter of the park. Development of orientation, education, and visitor service areas, as well as small parking areas, would occur here. Less than 1% of the lands would be designated as a Research Zone to be located in the north-central part of the Unit. Visitors would be able to access and view an active paleontological research quarry.</p> <p>Specific resource management activities contemplated under the preferred alternative include restoration programs and reintroduction of native, threatened, and endangered species, and State species of concern. Bison would be reintroduced for demonstration purposes in the White River Visitor Center area, as well as in Range Unit 505 for creation of a bison preserve/reserve. The associated corrals and handling facilities would be developed. Existing grazing leases would be phased out or replaced by bison leases or a Tribal bison herd. Native and culturally significant plant species would be reintroduced. Specific visitor use/access activities are envisioned as follows: a living history Oglala Sioux village; guided tours led by Tribal members; cultural activities such as powwows and ceremonies; construction of two visitor contact stations and up to two entrance stations; permit system for unguided access to backcountry camping/hiking; and park perimeter development (including arts/crafts outlets, powwow grounds, equestrian grounds, trailheads, parking areas, exhibits, restrooms, and vehicle access). Existing two-track roads would continue to provide access to the South Unit and would be improved along the perimeter, as needed. There would not be any improved roads to the interior of the park other than the road to the research quarry. However, a backcountry ranger patrol station with equine facilities would be developed for park staff.</p> <p>In a May 25, 2007 letter, EPA provided input during the scoping process for this project, and we appreciate that the NPS addressed several of our comments in the DEIS. As a result, our concerns with the August 2010 DEIS have been narrowed to these remaining issues: (1) air quality; (2) water resources; and (3) environmental justice. These concerns are the basis for the EPA rating discussed at the conclusion of this letter.</p> <p>Air Quality</p> <p>In addition to health-based standards to protect ambient air quality, the Clean Air Act requires special protection of visibility in the nation's large National Parks and Wilderness Areas (identified as mandatory Class I Federal areas) and establishes a national goal for "the prevention of any future, and the remedying of any existing, impairment of visibility in mandatory Class I federal areas which impairment results from man-made air pollution." Badlands National Park is</p> <p style="text-align: center;">2</p>	

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<p>a mandatory Class I Federal area. EPA's Clean Air Act implementing regulations require states to submit State Implementation Plans that, among other things, demonstrate attainment of the National Ambient Air Quality Standards (NAAQS), as well as reasonable progress toward the national visibility goal. Actions by Federal Land Managers that lack adequate mitigation of air quality impacts could impede a state's ability to meet Clean Air Act requirements.</p> <p><u>Data:</u> EPA is concerned that no air quality data regarding existing conditions are provided in the DEIS, even though it appears such data is readily available from the South Dakota Department of Environment and Natural Resources (SDDENR) and/or the EPA AirExplorer site (http://www.epa.gov/airexplorer/) and VIEWS site for air quality related values (AQRVs) (http://views.cira.colostate.edu/web/). Given that this South Unit GMP will be in effect for 15-20 years, information regarding current conditions will be an important tool for monitoring the impacts of the various activities contemplated under the preferred alternative. While air quality mitigation measures would be used and it does not appear there would be any long-term air quality impacts associated with GMP activities, the DEIS notes that increased emissions of air pollutants in the region could result from future plans for several new coal-fired power plants, coal bed methane production, oil and gas production facilities, and railroads outside the park boundaries. Decision-makers will need to understand baseline conditions in an effort to ensure that South Unit development activities, when combined with air quality impacts from external sources, do not adversely impact the NAAQS or AQRVs such as visibility. At a minimum, the Final EIS should summarize existing air quality in and around the South Unit, including trending of air quality at Badlands National Park over the past several years, and should identify sensitive receptors (such as surrounding population centers and other Class I and Class II areas in the vicinity).</p> <p><u>Prescribed Fire:</u> It is unclear whether the preferred alternative includes prescribed burning activities. On p. 104 of the DEIS, there is a statement that no acres are treated with fire in the South Unit. However, on p. 22 there is a fire management discussion which notes that prescribed fire will be used, and on p. 190 there is reference to continued NPS prescribed burning efforts. The Final EIS should clarify whether prescribed burning is contemplated under the various alternatives. If, as it appears, prescribed burning is included, then EPA is concerned that there is no quantification of projected burn acreage, nor any assessment of potential air quality impacts.</p> <p>If prescribed burning is contemplated under the preferred alternative, then we recommend that the Final EIS include: (1) discussion of appropriate smoke monitoring techniques and mitigation (including meteorological conditions favorable for mitigated prescribed fire smoke and alternatives to prescribed fire such as mechanical fuel reduction methods); (2) requirements for the incorporation of the Interagency Prescribed Fire Planning and Implementation Procedures Guide (July 2008) into site-specific burn plans that would be designed for each prescribed burn conducted under this GMP; (3) consultation with the SDDENR for any modeling, mitigation, or other measures required under State regulations or the State Implementation Plan to address Clean Air Act requirements; and (4) commitment to public notification of pending burns.</p>	<p>Comment 1</p> <p>Response 1: One purpose of the GMP/EIS is to avoid being encyclopedic in its treatment of resource issues, and only present data sufficient to disclose the existing conditions and discuss likely impacts to those resources from proposed actions. Due to its nature, the GMP/EIS only discusses impacts of a most general nature, since no development or other actions taken under the GMP/EIS are sufficiently planned out to make analysis of impacts meaningful at this point. The impacts to air quality, at least at this stage, are not considered to be significant, and much more specific information on the type of development, its location and mitigation of impacts will be developed as specific projects are brought forward for funding. While we agree completely with the assertion that future decision-makers will need that data, as well as consideration of outside sources of pollution, the addition of this information in the GMP/EIS would certainly become dated quickly, and be of limited use in the future.</p> <p>Response 2: It is anticipated that, while the South Unit is not currently subjected to prescribed fire, prescribed fire would likely be used to restore health to the vegetation. The extent to which prescribed fire would be used is currently unknown, so it would be speculative to discuss in the GMP/EIS how this would be accomplished. Under the Preferred Management Option, a Fire Management Plan, along with an environmental analysis, would be developed for the new unit.</p>
<p>Comment 2</p>	

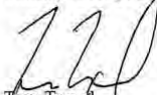
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<p><u>Dust:</u> Air quality and AQRVs are negatively impacted by dust. Under the preferred alternative, existing two-track roads would be improved along the perimeter of the South Unit, as needed, to provide access to planned developments and visitor amenities such as trailheads, parking areas, rest areas, overlooks, and wayside exhibits. In addition, one improved road is planned into the interior of the park for visitor access to the research quarry. We appreciate that the DEIS notes that all alternatives would require mitigation measures such as dust abatement, speed limits on unpaved roads, avoidance of water resources, prevention of soil loss, and prompt revegetation and monitoring. Since dust can also severely impact vegetation along roadways, as well as contribute to water quality concerns associated with runoff of salts and sediments, we recommend that the monitoring plan include a schedule for five years post revegetation to ensure success and that detailed plans for dust control be required. Given the extremely arid environment of the region and the associated challenges with reclamation, EPA believes that reduction of surface disturbance will be the most effective means of reducing dust in the South Unit Area.</p> <p>Water Resources</p> <p>The DEIS notes that water quality and wetlands were not analyzed in detail because no adverse impacts would be expected as a result of the alternatives under consideration. Although surface water is scarce in the South Unit, mitigation measures and best management practices (BMPs) would be used to reduce the potential for water quality impacts. None of the development activities under any alternative would be built in wetlands or riparian areas.</p> <p>Similar to our comments on air quality data, we are concerned that this DEIS for a 15-20 year plan does not provide baseline water quality and wetlands conditions. Although such areas may be sparsely located in the South Unit, baseline information will be an important tool for the decision-maker to assess impacts of the GMP development activities. A brief discussion and summary of the best available water quality monitoring data for the South Unit should be included in the Final EIS. These data should include <i>Escherichia coli</i>, nutrient concentrations, temperature, and turbidity, if they exist. Wetlands acreage, stream health information, where available, and a discussion of any Clean Water Act Section 303(d) impaired or threatened waterbody segments within, or downstream of, the project area also should be included. We recommend contacting the SDDENR to identify/validate any such Section 303(d) listed waterbodies potentially affected by the project. Should Section 303(d) listed waterbody segments occur within, or downstream of, the proposed project area, the Final EIS should describe how the proposed project might affect these waterbodies, particularly the water quality parameters causing the Section 303(d) listing.</p> <p>EPA notes Executive Order (EO) 11990 - Protection of Wetlands (May 24, 1977) states in pertinent part: "Section 1. (a) Each agency shall provide leadership and shall take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands in carrying out the agency's responsibilities for (1) acquiring, managing, and disposing of Federal lands and facilities; and (2) providing Federally undertaken, financed, or assisted construction and improvements; and (3) conducting Federal</p> <p style="text-align: center;">4</p>	<p>Response 3: We agree and will see that any monitoring plans created as a result of specific plans to improve or create new roads include dust abatement and control according to current NPS policy.</p> <p>Response 4: We appreciate the desire to see a compilation of data concerning water quality. As discussed on page 128, water resources are rare in the South Unit, and little water quality data exist. As we noted in our response to comments concerning air quality, the purpose of the GMP/EIS is not to present an encyclopedic treatment of resources, only enough information to make meaningful impact assessments. Data necessary to consider impacts to these resources will be presented at the time impacts to those resources might occur because of specific projects and plans for development.</p>

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<p>activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities. (b) This Order does not apply to the issuance by Federal agencies of permits, licenses or allocations to private parties for activities involving wetlands on non-Federal property." The Final EIS should document how EO 11990 will be carried out with regard to this project.</p> <p>Several activities under the preferred alternative, including road improvements, facilities construction, and bison reintroduction, could impact water resources. We recommend establishing five year timelines for monitoring revegetation efforts, assessing erosion impacts from road construction, and monitoring breakdown of hydrophobic soils post prescribed burn. BMPs should be inspected and maintained frequently and should be adjusted in response to inspection findings. We support the use of adaptive management strategies and effectiveness monitoring to reduce the impacts of grazing on sensitive soils, wetlands, riparian areas, meadows, stream crossings, and critical habitat. Adaptive management strategies, such as decreased allowable use percentages, increased residual stubble height, exclusions and upland water developments, should be considered to protect streams, wetlands, riparian corridors, and fishery spawning areas from adverse impacts associated with grazing and the reintroduced bison herd. We also recommend protection of stream corridors through use of a minimum 100 foot buffer, particularly where grazing may contribute to pathogen, sediment, and/or temperature concerns. These strategies will be particularly important with regard to managing a bison herd as the sheer size of the animals would likely cause more significant erosion and stream bank impacts.</p> <p>Environmental Justice</p> <p>According to EO 12898 - Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (February 11, 1994), each Federal agency is to make the achievement of environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations. These provisions apply fully to programs involving Native Americans. In the memorandum to heads of departments and agencies that accompanied EO 12898, the President specifically recognized the importance of procedures under NEPA for identifying and addressing environmental justice concerns. The memorandum states that "each Federal agency shall analyze the environmental effects, including human health, economic and social effects, of Federal actions, including effects on minority communities and low-income communities, when such analysis is required by NEPA." The memorandum particularly emphasizes the importance of NEPA's public participation process.</p> <p>The NPS is to be commended for extensive consultation with the Oglala Sioux Tribe on this project. As noted in the DEIS, the South Unit is located entirely in Shannon County, South Dakota. According to the data provided, over 94% of Shannon County residents identify themselves as being American Indian or Alaska Native Alone and over 45% of county residents are living below the poverty line. On p. 122 of the DEIS, it is noted that "the impact analysis</p>	<p>Response 5: We initially considered Environmental Justice as an impact topic to be carried through the analysis; however, we found no disproportionately high and adverse human health effects on the local population. This discussion has been moved to a subset of the socioeconomic impact. There are likely to be socioeconomic benefits to the members of the OST, as well as surrounding communities, if the recommendations of the GMP/EIS are implemented.</p> <p>Comment 5</p>

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<p>will consider if any disproportionate high or adverse impacts would occur” to the environmental justice populations in the study area. However, we believe that the NEPA document should more obviously disclose impacts in a detailed environmental justice section for each alternative, similar to how other impacts are presented (e.g., vegetation, wildlife, archeological sites, etc.).</p> <p>While we appreciate that the NPS worked closely with the Oglala Sioux Tribe in the preparation of this DEIS and economic impacts have been assessed, we recommend that the NEPA document also provide clear presentation of human health and social effects on environmental justice populations. All environmental impacts (including human health, economic and social effects) on minority and low-income communities that may result from implementation of this 15-20 year plan should be provided under each alternative in the final EIS. Even if there are little or no such effects, this analysis is necessary for full disclosure to ensure that the environmental justice populations will not be disproportionately impacted.</p> <p>Emphasis should be placed on predicting the positive and negative direct, indirect, and cumulative air and water quality impacts of GMP activities on minority and low-income populations in and near the area. In addition, impacts to unique cultural aspects, subsistence hunting, and/or the social structure of the Tribe should be assessed and fully disclosed. Further, impacts to farming and ranching in the area should be assessed, including the adequacy of sustainable forage to maintain the planned bison herd and requirements for safety awareness signs where the public could come across these large animals. Lastly, it is unclear whether all individuals in the bison herd would be Brucellosis-free, and whether the planned bison corrals and handling facilities are intended to completely contain the bison from other leased cattle grazing lands within and outside of the South Unit. Even if the herd will be Brucellosis-free, minor or perceived effects may create economic impacts to the community. Given the concerns that have been raised in Yellowstone National Park regarding economic impacts from the risk of Brucellosis transmission between bison and cattle, these issues should be addressed in the Badlands South Unit Final EIS.</p> <p>Although not strictly an environmental justice issue, it is unclear whether the DEIS includes all necessary concurrences from the Historic Preservation Officer(s) regarding your determinations that there would be no adverse effects on cultural or ethnographic resources as a result of implementing the preferred alternative. The Final EIS should include such documentation. The DEIS is inconsistent in descriptions related to the land size of the Pine Ridge Indian Reservation, as well as whether the South Unit is entirely or partially within the Reservation. If the South Unit is partly outside of Indian country, then the State Historic Preservation Officer should be consulted in addition to the Tribal Historic Preservation Officer. We recommend confirming boundary issues with the Bureau of Indian Affairs and clarifying descriptions in the Final EIS.</p> <p>Additional Recommendations</p> <p><u>Special Status Species:</u> We note that the discussion on p. 128 appears incomplete. The “brief descriptions” for each special status species were omitted. In addition, the discussion does not</p>	<p>Response 6: The GMP/EIS provides for the reintroduction of bison into a few locations. Regardless of the managing entity, the reintroduction will follow NPS policy and regulations, and bison will be brucellosis-free. While we are well aware of the issues of disease control and the potential effects on domesticated livestock, it is premature in this document to discuss in any detail how that might affect the proposal to reintroduce the species. We will discuss this further at the time a plan for reintroduction is prepared.</p> <p>Response 7: The South Unit is entirely within the exterior boundaries of the Pine Ridge Indian Reservation. Consultation with Historic Preservation Officers is discussed on page 210.</p> <p>Response 8: The brief descriptions of those species now appear in the section under Natural Resources, Special Status Species.</p>

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<p>entirely reflect the information and requests contained in the U.S. Fish and Wildlife Service's December 11, 2008 comment letter. These discrepancies should be clarified in the Final EIS.</p> <p><u>Nebraska National Forest Travel Management Plan:</u> Although the South Unit GMP/DEIS does not specifically address travel management, it references the April 2010 Nebraska National Forest Travel Management Plan Record of Decision as it relates to cumulative impacts on vegetation and wildlife in the area. Please note that in a May 19, 2010 comment letter on the Nebraska National Forest Final EIS, EPA expressed concerns related to data omissions and inappropriate measurement of environmental impacts. As a result, your efforts at assessing cumulative impacts in the South Unit may be affected. We are attaching EPA's May 19, 2010 comment letter for your information.</p> <p>EPA's Rating and Recommendation</p> <p>Consistent with Section 309 of the Clean Air Act, it is EPA's responsibility to provide an independent review and evaluation of the potential environmental impacts of this project. Based on the procedures EPA uses to evaluate the adequacy of the information and the potential environmental impacts of the proposed action, EPA is rating this Draft EIS as Environmental Concerns – Insufficient Information (EC-2). The "EC" rating indicates that EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. The "2" rating indicates that EPA has identified additional information, data, analyses, or discussion that should be included in the Final EIS. A full description of EPA's rating system is enclosed.</p> <p>We hope that our comments regarding air quality, water resources, and environmental justice will assist you in further reducing the environmental impacts of this project. We appreciate the opportunity to review and comment on this Draft EIS. If we may provide further explanation of our comments, please contact me at 303-312-6004, or your staff may contact Amy Platt at 303-312-6449.</p> <p>Sincerely,</p>  <p>Larry Svoboda Director, NEPA Compliance and Review Program Ecosystems Protection and Remediation</p> <p>Enclosures</p> <p>7</p>	<p>Comment 8 continued</p> <p>Comment 9</p> <p>Response 9: Thank you for your information on the Travel Management Plan. We have taken a second look at this plan in light of your comments and reviewed that in terms of our statements concerning cumulative impacts. We acknowledge the potential for cumulative impacts resulting from implementation of the travel management plan and the general management plan. However, the Nebraska National Forest Travel Management Plan proposes to reduce public access for off road vehicles, while increasing a variety of recreational opportunities. With that, and due to the programmatic nature of the general management plan, we do not believe additional studies related to water quality impacts, wildlife, or aquatic resources and habitat would be necessary at this time. Specific projects resulting from the general management plan/EIS will undergo environmental compliance, tiering off of this EIS.</p>

Comment	Response
<p align="center">U.S. Environmental Protection Agency Rating System for Draft Environmental Impact Statements</p> <p align="center">Definitions and Follow-Up Action*</p> <p align="center"><u>Environmental Impact of the Action</u></p> <p>LO -- Lack of Objections: The Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.</p> <p>EC -- Environmental Concerns: The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.</p> <p>EO -- Environmental Objections: The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.</p> <p>EU -- Environmentally Unsatisfactory: The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).</p> <p align="center"><u>Adequacy of the Impact Statement</u></p> <p>Category 1 -- Adequate: EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.</p> <p>Category 2 -- Insufficient Information: The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.</p> <p>Category 3 -- Inadequate: EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.</p> <p>* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.</p>	

Comment	Response
<div data-bbox="512 240 856 406" data-label="Image"> </div> <p data-bbox="390 412 974 435">P.O. Box 9496 • Rapid City, SD 57709 • 605-341-0875 FAX 605-341-8651</p> <p data-bbox="882 451 1016 470">October 25, 2010</p> <p data-bbox="323 516 621 623">Mr. Eric Brunnemann, Superintendent Badlands National Park 25216 Ben Reifel Road P.O. Box 6 Interior, SD 57750</p> <p data-bbox="323 646 504 665">Dear Mr. Brunnemann:</p> <p data-bbox="323 688 978 753">On behalf of the 35 members of the Black Hills Regional Multiple Use Coalition (see attached list) thank you for this opportunity to comment on the Draft General Management Plan and Environmental Impact Statement.</p> <p data-bbox="323 776 1003 860">After considering the various options, we support and recommend implementation of Option 6, Deauthorization, with ownership of the South Unit to be returned to the Oglala Sioux Tribe, and the land to be managed in whatever manner the Oglala Sioux Tribe decides.</p> <p data-bbox="323 883 1003 1010">In light of the federal government's taking of that land in 1942, the federal government's failure to fully implement the 1976 agreement with the Oglala Sioux Tribe for management of the South Unit, and the federal government's inability to be a good steward of federal lands in the 'Badlands area', we believe Deauthorization would best serve the needs of the land and the people who are most affected by the management of that land.</p> <p data-bbox="323 1032 1003 1097">Consistent with our recommendation for the Deauthorization Option, we have not commented on the various alternatives, as the Deauthorization Option would render them all moot.</p> <p data-bbox="323 1120 730 1140">Thank you for your consideration of these comments.</p> <div data-bbox="323 1140 478 1269" data-label="Text">  <p data-bbox="323 1224 478 1269">Tom Troxel Executive Secretary</p> </div>	

Comment	Response
<div data-bbox="961 256 1010 282">8/10</div> <p data-bbox="388 284 856 310">Black Hills Regional Multiple Use Coalition Members</p> <p data-bbox="302 334 863 1252"> Association of Applied Paleontological Sciences Association of National Grasslands Black Hills Area Conservation Districts Black Hills ATV/UTV Riders Club Black Hills, Badlands and Lakes Association of South Dakota Black Hills Cattlemen's Association Black Hills Community Economic Development, Inc Black Hills FlyFishers Black Hills Forest Resource Association Black Hills 4 Wheelers - Rapid City Chapter Black Hills Home Builders Association Black Hills Resource Conservation and Development Association BH Snowmobile Club Black Hills Women In Timber Cottonwood Grazing Association Custer County Commissioners Dakota Territory Cruisers Fall River County Commissioners Hill City Chamber of Commerce Lawrence County Commissioners Off-Road Riders Association Pioneer Co-op Grazing District Rapid City Economic Development Partnership South Dakota Family Forests Association South Dakota Farm Bureau South Dakota Grasslands Coalition South Dakota Off Highway Vehicle Coalition South Dakota Public Lands Council South Dakota Snowmobile Association South Dakota Stockgrowers Spearfish Livestock Association Spearfish Pistol and Gun Club West Dakota Water Development District Western Dakota Gem and Mineral Society Western South Dakota Fur Harvesters Wyoming Farm Bureau Wyoming Stockgrowers Association </p>	

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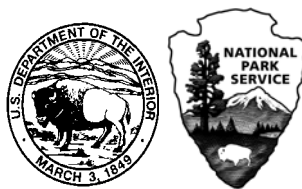
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South Unit • Badlands National Park
Final General Management Plan & Environmental Impact Statement

U.S. Department of the Interior • National Park Service
Oglala Sioux Tribe Parks and Regional Authority
Oglala Sioux Tribe
