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**January 6, 1989 discussion draft of Glickman's bill to
establish the Flint Hills Prairie National Monument**

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GLICKM006

Sheryl-

This bill is fine as it goes, but we had also talked about making part of the site a working ranch. Make sure you stay on top of this.

HLC

DISCUSSION DRAFT
Jan 6, 1989

101ST CONGRESS
1ST SESSION

H. R. _____

*Charles
Sublo.
67736*

IN THE HOUSE OF REPRESENTATIVES

Mr. GLICKMAN introduced the following bill; which was referred to the Committee on _____

A BILL

To establish the Flint Hills Prairie National Monument.

- 1 Be it enacted by the Senate and House of Representatives
- 2 of the United States of America in Congress assembled,

1 **SECTION 1. ESTABLISHMENT.**

2 (a) **IN GENERAL.**--There is hereby established the State of in
3 Kansas, the Flint Hills Prairie National Monument
4 (hereinafter in this Act referred to as the ``monument``).

5 (b) **AREA INCLUDED.**--The monument shall consist of the
6 lands, waters, and interests therein comprising approximately
7 10,894 acres lying along Highway 177 between Interstate 70
8 and the Kansas Turnpike immediately north of Strong City,
9 Kansas, known as the Spring Hill Ranch as generally depicted
10 on the map entitled ``Boundary Map, Flint Hills Prairie
11 National Monument``, numbered ---, and dated -----. The map
12 shall be on file and available for public inspection in the
13 offices of the National Park Service, Department of the
14 Interior. The Secretary of the Interior (hereinafter in this
15 Act referred to as the ``Secretary``) may make minor
16 revisions in the boundary of the monument, but the total
17 acreage of the monument shall not exceed 10,894.

18 **SEC. 2. ADMINISTRATION.**

19 (a) **IN GENERAL.**--The Secretary shall administer the
20 monument in accordance with this Act and with the provisions
21 of law generally applicable to units of the national Park
22 system, including the Act entitled ``An Act to establish a
23 National Park Service, and for other purposes``, approved
24 August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4) and the Act of
25 August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467). In the

1 administration of such monument, the Secretary may utilize
2 such statutory authority as may be available to him for the
3 conservation of wildlife and natural resources as he deems
4 necessary to carry out the purposes of this Act. After
5 notice and opportunity for public comment, but not later than
6 [?] year after the acquisition of the property referred to in
7 section 1 the Secretary shall publish a management plan for
8 the monument. Such plan shall provide for the preservation
9 of tallgrass prairie in parts of the monument and for the
10 operation of a cattle ranch in the manner in which such
11 ranches were operated circa 1885.

12 (b) DONATIONS.--Notwithstanding any other provision of
13 law, the Secretary may accept and expend donations of funds,
14 property, or services from individuals, foundations,
15 corporations, or public entities for the purpose of providing
16 services and facilities which he deems consistent with the
17 purposes of this Act.

18 **SEC. 3. ACQUISITION OF LAND.**

19 (a) GENERAL AUTHORITY.--The Secretary may acquire lands,
20 waters, or interests therein land within the boundaries of the
21 monument by donation, purchase with donated or appropriated
22 funds, or exchange. No such land or interests may be
23 acquired without the consent of the owner thereof.

24 (b) ACQUISITION OF TRACTS PARTIALLY OUTSIDE
25 BOUNDARIES.--When any tract of land is only partly within

1 such boundaries, the Secretary may acquire all or any portion
2 of the land outside of such boundaries in order to minimize
3 the payment of severance costs. Land so acquired outside of
4 the boundaries may be exchanged by the Secretary for non-
5 Federal lands within the boundaries, and any land so acquired
6 and not utilized for exchange shall be reported to the
7 General Services Administration for disposal under the
8 Federal Property and Administrative Services Act of 1949 (63
9 Stat. 377).

OPTIONAL PROVISIONS WHICH COULD BE ADDED IF DESIRED

1 [(-) LEASING.--

2 (1) GENERAL AUTHORITY.--Where appropriate in the
3 discretion of the Secretary, he may lease land owned by
4 the United States (or any interest therein) which has
5 been acquired by the Secretary under this Act.

6 (2) APPLICABLE REQUIREMENTS.--Any lease under this
7 subsection shall be subject to such conditions and
8 restrictions as the Secretary deems necessary to carry
9 out the purposes of this Act, including terms and
10 conditions which provide for--

11 (A) the continuation of existing uses of the land
12 which are compatible with the monument,

13 (B) the protection of the important resources of
14 the leased area, and

15 (C) the retention by the Secretary of such access
16 and development rights as the Secretary deems
17 necessary to provide for appropriate visitor use and
18 resource management.

19 (3) OFFER TO PRIOR OWNER.--Any land (or interest therein)
20 leased pursuant to this subsection shall first be offered
21 for such lease to the person or persons who owned such
22 land (or interest) immediately before its acquisition by
23 the United States.]

1 [(-) COOPERATIVE AGREEMENTS WITH OWNERS.--The Secretary
2 may enter into cooperative agreements with the owners of
3 properties of historical or cultural significance as
4 determined by the Secretary, pursuant to which the Secretary
5 may mark, interpret, improve, restore, and provide technical
6 assistance with respect to the preservation and
7 interpretation of such properties. Such agreements shall
8 contain, but need not be limited to, provisions that the
9 Secretary shall have the right of access at reasonable times
10 to public portions of the property for interpretive and other
11 purposes, and that no changes or alterations shall be made in
12 the property except by mutual agreement.]

13 (-) RETAINED RIGHTS.--

14 (1) GENERAL RULE.--The owner or owners of any
15 improved residential property or agricultural property
16 acquired by the Secretary under this Act may retain a
17 right of use and occupancy of the property for
18 noncommercial residential or for agricultural purposes,
19 as the case may be, which are not incompatible with the
20 purposes of this Act.

21 (2) DURATION.--Except as provided in paragraph (5),
22 rights retained under this subsection shall terminate at
23 the end of one of the following:

24 (A) A definite term of not more than 25 years
25 from the date of acquisition.

1 (B) A term ending at the death of the owner or
2 owners.

3 The owner shall elect the term to be reserved, except
4 that if the owner is a corporation, trust, partnership,
5 or any entity other than an individual, the term shall
6 not exceed 25 years.

7 (3) PAYMENT.--Unless the property is wholly or
8 partially donated, the Secretary shall pay to the owner
9 reserving a right of use and occupancy under this section
10 the fair market value of the property on the date of its
11 acquisition, less the fair market value on that date of
12 the right retained by the owner.

13 (4) DETERMINATION OF OWNERSHIP.--For purposes of
14 applying this subsection, ownership shall be determined
15 as of the date of acquisition, except that in applying
16 paragraph (2)(B) ownership shall be determined as of
17 January 1, 1989.

18 (5) EARLY TERMINATION.--

19 (A) GENERAL RULE.--A right retained by the owner
20 pursuant to this subsection shall be subject to
21 termination by the Secretary upon his determination
22 that it is being exercised in a manner incompatible
23 with the purposes of this Act. It shall terminate by
24 operation of law upon notification by the Secretary
25 to the holder of the right of such determination and

1 tendering to him the amount equal to the fair market
2 value of that portion which remains unexpired.

3 (B) EXISTING USES.--For purposes of this
4 paragraph and paragraph (1), existing uses of any
5 property acquired under this Act (including, but not
6 limited to, grazing activities and operations and the
7 control of feral animals by selective control
8 techniques used before the date of the enactment of
9 this Act) shall not be treated as incompatible with
10 the purposes of this Act.

11 (6) LEASE AGREEMENTS.--In the case of any property
12 acquired by the Secretary under this Act with respect to
13 which a right of use and occupancy was not reserved by
14 the former owner under paragraph (1), at the request of
15 the former owner, the Secretary shall enter into a lease
16 agreement with the former owner under which the former
17 owner may continue any existing use of such property
18 which is compatible with the administration of the
19 monument and with the preservation of the resources
20 therein.

21 (7) LIMITATIONS ON RESERVATION.--

22 (A) ACCESS AND DEVELOPMENT RIGHTS.--Any right
23 retained pursuant to paragraph (1), and any lease
24 entered into under paragraph (6), shall be subject to
25 such access and development rights as may be required

*gas &
oil
rights*

1 by the Secretary for visitor use and resource
2 management.]

3 (B) EXCLUDED PROPERTY.--This subsection shall not
4 apply to property which the Secretary determines to
5 be necessary for purposes of administration,
6 development, access, or public use.

7 (8) DEFINITIONS.--As used in this subsection--

8 (A) IMPROVED RESIDENTIAL PROPERTY.--The term
9 ``improved residential property`` means a single-
10 family dwelling, the construction of which began
11 before January 1, 19-- , together with such land on
12 which the dwelling and appurtenant buildings are
13 located as is in the same ownership as such dwelling
14 and as the Secretary designates is reasonably
15 necessary for the owner's continued use and occupancy
16 of the dwelling. [The amount of land so designated
17 with respect to any such dwelling shall be the lesser
18 of--

19 (i) at least -- acres, or

20 (ii) the total acreage on which such dwelling
21 and appurtenant buildings are located which is in
22 the same ownership as such dwelling.]

23 (B) AGRICULTURAL PROPERTY.--The term

24 ``agricultural property`` means property developed
25 for agricultural uses (together with any structures



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accessory thereto) which was so used on or before

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January 1, 198-.