

INTRODUCTION TO PLANNING
General Management Plan/
Environmental Impact Statement
Sand Creek Massacre NHS

Sand Creek Massacre National Historic Site

Introduction to Planning

June 30, 2006

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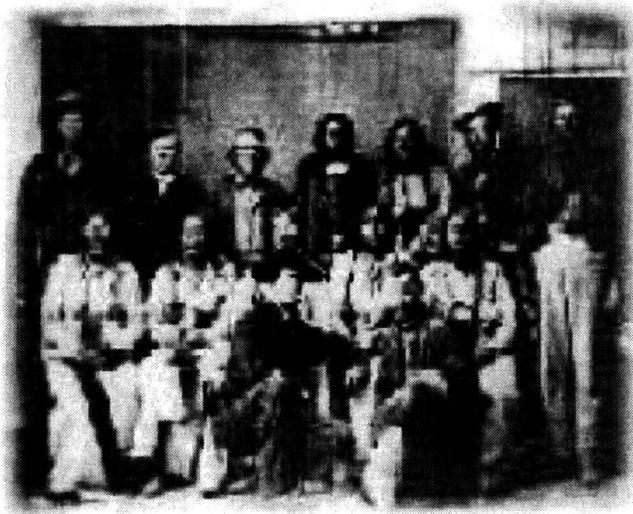
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Sand Creek Massacre National Historic Site **Overview of Planning**

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Sand Creek Massacre National Historic Site Planning Definitions

General Management Plan (GMP)

General management planning is the broadest level of planning and decision-making. It focuses on why the park was established, what should be the desired conditions for resource conditions and visitor experiences, and the appropriate types of facilities and management actions. The GMP guides management for the next 15 – 20 years, while aiming to protect park resources and values for future generations. The plan considers the park in its full ecological, scenic, and cultural contexts as a unit of the national park system and as part of a surrounding region.

The National Park Service strives to maintain an up-to-date GMP for each unit of the national park system. The purpose of each GMP will be to ensure that the park has a clearly defined direction for resource preservation and visitor use. This basic foundation for decision-making will be developed by an interdisciplinary team, in consultation with relevant offices within the Service, American Indian tribes, other federal and state agencies, other interested parties, and the general public. The GMP will be based on full and proper utilization of scientific information related to existing and potential resource conditions, visitor experiences, environmental impacts, and relative costs of alternative courses of action.

Interim Management Plan

An Interim Management Plan for Sand Creek Massacre National Historic Site is needed to address how the site operates until the general management plan is complete and implemented, which may be several years away. There is a need to identify tribal interests during this period, what kind of visitor access and activities should occur, staffing, and basic facilities and utilities. This plan is for the temporary use and development of the site, and should not preclude long-term solutions that may be developed during the general management planning process. Investment in infrastructure by the NPS will be scrutinized for value and flexibility.

An Interim Management Plan will be developed in a workshop known as a “charette.” It is a process to convene a variety of interest and expertise (tribes, the state, planners, interpretive planners, architects, and engineers) to set goals, generate alternatives, and select the best alternative.

Comprehensive Interpretive Plan (CIP)

A Comprehensive interpretive plan is a more detailed plan which typically follows the GMP. It addresses very specific implementation of park’s interpretation & education program, such as informational topics, audiences, and the services that will best enable those audiences to meaningfully explore park resources (films, publications, wayside exhibits, personal services, etc.). It steps down from the interpretive themes and overall desired visitor experiences developed in the general management plan.

Sand Creek Massacre National Historic Site
General Management Plan – Legal Requirements

Public Law 109-45 - Sand Creek Massacre National Historic Site Establishment Act of 2000

SEC. 7. MANAGEMENT PLAN.

(a) IN GENERAL- Not later than 5 years after the date on which funds are made available to carry out this Act, the Secretary shall prepare a management plan for the site.

(b) INCLUSIONS- The management plan shall cover, at a minimum--

- (1) measures for the **preservation of the resources** of the site;
- (2) requirements for the **type and extent of development and use** of the site, including, for each development--
 - (A) the **general location**;
 - (B) **timing and implementation** requirements; and
 - (C) anticipated **costs**;
- (3) requirements for **offsite support facilities in Kiowa County**;
- (4) identification of, and implementation commitments for, **visitor carrying capacities** for all areas of the site;
- (5) opportunities for **involvement by the tribes and the State** in the formulation of **educational programs** for the site; and
- (6) opportunities for **involvement by the tribes, the State, and other local and national entities** in the responsibilities of **developing and supporting the site**.

SEC. 4. ESTABLISHMENT.

(b) Boundary.

(4) Boundary Revision- The Secretary may, as necessary, **make minor revisions to the boundary** of the site in accordance with section 7(c) of the Land and Water Conservation Act of 1965 (16 U.S.C. 460l-9(c)).

SEC. 5. ADMINISTRATION.

(c) CONSULTATION AND TRAINING-

(1) IN GENERAL- In developing the management plan and preparing educational programs for the public about the site, the Secretary shall consult with and solicit advice and recommendations from the tribes and the State.

Public Law 95-625 - Parks and Recreation Act of 1978

SEC. 604. (b)

General management plans for the preservation and use of each unit of the National Park System, including areas within the national capital area, shall be prepared and revised in a timely manner by the Director of the National Park Service. On January 1 of each year, the Secretary shall submit to the Congress a list indicating the current status of completion or revision of general management plans for each unit of the National Park System. General management plans for each unit shall include, but not be limited to:

- (1) measures for preservation of the area's resources;
- (2) indications of types and general intensities of development (including visitor circulation and transportation patterns, systems, and modes) associated with public enjoyment and use of the area, including general locations, timing of implementation, and anticipated costs;
- (3) identification of and implementation commitments for visitor carrying capacities for all areas of the unit; and
- (4) indications of potential modifications to the external boundaries of the park, and the reasons therefore.

GMP – Other Major Laws

National Environmental Policy Act of 1969, P.L. 91-190, 83 Stat. 852, 42 U.S.C. §4321 et seq., 40 CFR Parts 1500-1508

The National Environmental Policy Act (NEPA) mandates that federal agencies assess the environmental effects of a proposed action and engage the public in the analyses of environmental impacts before agencies make decisions affecting the human environment. NEPA requires that federal agencies “utilize a systematic interdisciplinary approach” to ensure the integrated use of resource information in federal decision-making affecting the environment. Federal agencies must complete all analyses, public input, and NEPA documentation in time to aid decision-making. Initiating or completing environmental analysis after making a decision, whether formally or informally, violates both the spirit and the letter of NEPA.

Native American Grave Protection and Repatriation Act, P.L. 101-601, 104 Stat. 3048, 25 U.S.C. §§3001-3013, 43 CFR 10

Assigns ownership or control of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony that are excavated or discovered on federal lands or tribal lands after passage of the act to lineal descendants or culturally affiliated Native American groups; establishes criminal penalties for trafficking in remains or objects obtained in violation of the act; provides that federal agencies and museums that receive federal funding shall inventory Native American human remains and associated funerary objects in their possession or control and identify their cultural and geographical affiliations within five years, and prepare summaries of information about Native American unassociated funerary objects, sacred objects, or objects of cultural patrimony. Provides for the repatriation of such items when lineal descendants or Native American groups request it.

National Historic Preservation Act, as amended, P.L. 89-665, 80 Stat. 915, 16 U.S.C. §470 et seq. and 36 CFR 18, 60, 61, 63, 68, 79, 800

Declares a national policy of historic preservation, including the encouragement of preservation on the state and private levels; authorizes the Secretary of the Interior to expand and maintain a National Register of Historic Places that includes properties of local, state, and national significance; authorizes matching federal grants to the states and the National Trust for Historic Preservation for surveys and planning and for acquiring and developing national register properties; establishes the Advisory Council on Historic Preservation; requires federal agencies to consider the effects of their undertakings on national register properties and to provide the advisory council opportunities to comment (§106). Amended in 1976 (P.L. 94-422) to expand §106 to properties eligible for, as well as listed on, the national register. Amended in 1980 (P.L. 96 515) to incorporate E.O. 11593 requirements, to give national historic landmarks extra protection in federal project planning, and to permit federal agencies to lease historic properties and apply the proceeds to any national register properties under their administration. Amended in 1992 to, among other things, redefine federal undertakings, address “anticipatory demolition,” and emphasize the interests and involvement of Native Americans and Native Hawaiians. Important guidance for implementation of major provisions of this Act is in *The Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation* and *The Secretary of the Interior’s Standards and Guidelines for Federal Agency Historic Preservation Programs Pursuant to the National Historic Preservation Act*.

Sand Creek Massacre National Historic Site

Proposed Planning Process

Project start-up (June 2006)

- Internal scoping – review of legislation
- *Meet with tribes/state*

Design Charette for Interim Plan (August or September, 2006)

- Consolidate existing data, conduct topographic survey
- *Meeting with NPS architects, engineers, and planners and tribes/state to develop alternatives and set an interim direction*
- Complete interim plan and environmental compliance

AFTER ESTABLISHMENT

Begin General Management Plan / Environmental Impact Statement (GMP/EIS)

- Publish Notice Of Intent in Federal Register
- External scoping - send a newsletter to the public, conduct public meetings
- Identify opportunities and concerns
- *Develop a project agreement with tribes/state*

6 mos.

Foundation

- Consider a forum, roundtable, or other opportunity to present all scholarly points of view, facilitated by a third party (optional)
- *Identify purpose, significance, special mandates, fundamental and other important resources and values, and primary interpretive themes in consultation with tribes/state*
- Present foundation to the public in a newsletter
- Analyze fundamental and other important resources and values

6 mos.

Develop Alternatives

- *Develop management zones, alternative management concepts, and apply management zoning to alternative concepts in consultation with tribes/state*
- Present alternative concepts to the public in a newsletter, possible meetings
- Identify and analyze impacts
- *Select a preferred alternative in consultation with tribes/state*

1 yr.

Draft GMP/EIS

- *Prepare Draft GMP/EIS in consultation with tribes/state*
- Internal NPS reviews
- Print and distribute document, publish Notice Of Availability in the Federal Register
- Conduct public meetings
- Summarize comments

1 yr.

Final GMP/EIS

- *Revise per comments to prepare final GMP/EIS, in consultation with tribes/state*
- Print and distribute document, publish Notice Of Availability in the Federal Register
- Public may submit comments

8 mos.

Record of Decision

- *Prepare a Record Of Decision in consultation with tribes/state, publish in Federal Register*
- Public may submit comments
- Implement the plan

4 mos.

Estimated total time for completion of GMP/EIS:

4 years

GREEN Italic text indicates involvement and consultation with the tribes and the state

BLUE text indicates public involvement in the planning process

Sand Creek Massacre National Historic Site
Contents of a Typical Project Agreement

Title and signature page

Project purpose, scope and expected results

Major issues to be addressed

Primary products and services

Data needs

Compliance requirements

Strategies for public, partner, and staff involvement

Roles and responsibilities for production, consultation, and review

Project schedule including major milestones

Project budget and funding sources

Project closeout

Project agreement and amendment process

Project team members and consultants, including their areas of expertise

Developing a Public Involvement Plan

1. Determine the purpose of the public involvement plan and analyze the situation, including the issues, level of controversy, stakeholders, partners, and special circumstances. Pay attention to those who might be interested but have not traditionally been involved in the GMP planning process.
2. Identify the objectives of involvement for the public stakeholders, and partners at each step in the NPS general management planning process
3. Analyze the exchange of information that must take place to achieve the objectives at each step in the NPS planning process.
4. Select the specific public involvement and partner techniques for each step in the NPS planning process.

Sand Creek Massacre National Historic Site General Management Plan Outline

CHAPTER 1

Purpose and Need for the Plan

This section includes: an introduction; a brief description of the park; the purpose of and need for the GMP; a brief description of the public involvement and procedural steps that follow distribution of the draft document; and the process involved in implementing the final plan.

Foundation for Planning and Management

This section includes: the park purpose, significance, and fundamental resources and values; the park's primary interpretive themes; the special mandates and administrative commitments that are specific to the park; and the servicewide laws and policies that govern actions in any unit of the National Park system.

Relationship of Other Planning Efforts to the General Management Plan

This section briefly summarizes other plans which have influenced or may influence the development of the final GMP, or that may be influenced by the GMP. These could include plans developed by other federal, state, or local agencies, or private organizations.

Planning Issues and Concerns

This section includes a description of the issues and concerns facing the park, as identified during internal and public scoping phases of the project. Issues are defined as an opportunity, conflict, or problem regarding the use or management of public lands. Examples of issues and concerns could include: park infrastructure and development; development adjacent to the park boundaries; traffic and access; park operations; public partnerships; visitor facilities; and visitor experience.

Issues and Concerns Not Addressed in the General Management Plan

This section includes issues and concerns raised during scoping that will not be addressed in the GMP. These issues would not be considered because they: are already prescribed by law, regulation, or policy; would be in violation of law, regulation, or policy; or were at a level too detailed for a general management plan and would be more appropriately addressed in subsequent planning documents.

Impact Topics – Resources and Values at Stake in the Planning Process

This section includes a summary of the areas likely to be affected by the actions described in the management alternatives in the general management plan. Impact topics focus the impact analysis in Chapter 4, "Environmental Consequences."

Impact Topics Dismissed from Further Consideration

This section describes those impact topics that commonly are considered during a planning process but are not relevant to a particular general management plan. These topics may be dismissed because: 1) implementation of the alternatives would have no effect or a negligible effect on the topic or resource or 2) the resource does not occur within the park.

CHAPTER 2 – ALTERNATIVES, INCLUDING THE PREFERRED ALTERNATIVE

Introduction

This includes: a description of management zones and management alternatives.

Management Prescriptions

Management prescriptions, or management zones, prescribe specific resource conditions and visitor experiences to be achieved and maintained in each particular area of the park.

No-Action Alternative

The no-action alternative describes the existing management strategy for the park, including estimated costs. The no-action alternative provides a baseline for comparative analysis of the action alternatives.

Management Alternatives, including the Preferred Alternative

This section describes the overall concept, management strategies, and estimated costs of the action alternatives, including the preferred alternative.

Mitigation Measures

This section describes the measures that would be employed to mitigate the impacts associated with implementing the management alternatives.

Issued to be addressed in Future Plans

This section describes issues for which the GMP provides general direction for park management. While the GMP lays the groundwork for addressing these issues, future implementation plans will be required to provide an appropriate level of management guidance and actions.

Environmentally Preferable Alternative

The environmentally preferable alternative is defined as “the alternative that will promote the national environmental policy as expressed in Section 101 of the National Environmental Policy Act.”

Alternatives and Actions Considered but Dismissed from Detailed Evaluation

This section describes alternative concepts that were eliminated from further analysis due to economic infeasibility, conflicts with the legislative purpose of the park, and/or the potential for unacceptable environmental impacts.

CHAPTER 3 – THE AFFECTED ENVIRONMENT

The affected environment section provides a detailed description of the impact areas/topics identified in Chapter 1, “Impact Topics – Resources and Values at Stake in the Planning Process.” This is essentially a description of the park’s existing conditions in those areas that likely would be affected by the implementation of the alternatives in the GMP.

CHAPTER 4 – ENVIRONMENTAL CONSEQUENCES

This chapter includes the following sections: a definition/description of cumulative impact analysis and the factors that contribute to cumulative impacts in the GMP; a definition of impairment of National Park Service resources; an explanation of the methodology applied in the impact analysis by impact topic; and the environmental consequences section, which analyzes the impacts and cumulative impacts of the management alternatives, including the no-action alternative.

CHAPTER 5 – CONSULTATION AND COORDINATION

This chapter includes: the summary of public and agency involvement, consultation with other agencies, officials, and organizations, Section 106 and NEPA consultation, further compliance requirements, and a list of the agencies, organizations, and individuals receiving a copy of the draft GMP/EIS.

The following sections follow the five chapters of the draft and final GMP/EIS

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CONSULTANTS
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Sand Creek Massacre National Historic Site
Foundation for Planning and Management

Foundation for planning and management is one of the first steps of general management planning. It is a formal statement of a park's core mission and provides basic guidance for all of the decisions to be made about a park. It identifies park purpose, significance, special mandates, fundamental resources and values, and primary interpretive themes.

Park Purpose is the specific reason(s) for establishing a particular park. Statements of the park's purpose are grounded in a thorough analysis of the park's legislation (or executive order) and legislative history, including studies prior to authorization go beyond a restatement of the law to document shared assumptions about what the law means in terms specific to the park.

Park significance statements express why the park's resources and values are important enough to warrant national park designation. They describe why an area is important within a global, national, regional, and systemwide context, are directly linked to the purpose of the park, are substantiated by data or consensus, and reflect the most current scientific or scholarly inquiry and cultural perceptions, which may have changed since the park's establishment.

Special mandates are legal requirements and administrative commitment that apply to a specific unit of the national park system. They are mandated by Congress or by signed agreements with other entities. They are specific to the park, and are not an inventory of all the laws applicable to the national park system

Fundamental resources and values are the most important systems, processes, features, visitor experiences, stories, scenes, sounds, smells or other resources and values to be communicated to the public about a park. They warrant primary consideration during planning and management because they are critical to achieving the park's purpose and maintaining its significance. **Other important resources and values** may not be fundamental to the park's purpose and significance, but are nevertheless determined to be particularly important for planning and management.

Primary interpretive themes connect park resources to relevant ideas, meanings, concepts, contexts, beliefs, and values. They support the desired interpretive outcome of increasing visitor understanding and appreciation of the significances of the park's resources. Primary interpretive themes are based upon park purpose and significance.



Interim Plan

Sand Creek Massacre National Historic Site **Interim Management Plan**

Need

An interim site plan is needed for Sand Creek Massacre National Historic Site because completion of general management plan is several years away, and there are needs to accommodate administration, tribal activities, and some visitor use as soon as establishment of the unit takes place, probably this fall.

Opportunities – things the interim plan will address:

- Rehabilitation of the main building for visitor center, office space, and maintenance
- Comfort station
- Utilities – phone, gas, electricity, water, and septic
- Tribes – access, activities, ceremonial storage shelter, repatriation
- Visitors – experiences on the site or off the site, access, orientation, education
- Access roads, parking, signs, gates, fences
- Trails, wayside exhibits
- Eads – with some office space at the site, what is needed in Eads for staff, cooperating association, others?

Constraints

Sand Creek Massacre National Historic Site must be managed with long term vision for future generations. To develop that vision and the plan to get there will take a lot of discussion with the tribes, the state, and the public. The interim plan is only a temporary solution to accommodate short term needs. Ideas in the interim plan must be:

- Low cost because there is not much money available right now
- Flexible – actions could be reversed if the GMP proposes something different
- Protective of resources and values

Charette – a workshop for the interim plan

A charette is a workshop that brings together the tribes, state, park staff, planners, interpreters, architects, and engineers to come up with creative ideas. Typically, such a workshop lasts 2 or 3 days to produce the following:

- Project goals
- Develop alternatives
- Comparison of alternatives – achieving goals, impacts, costs
- Select a preferred alternative

There will be follow-up work by the NPS to finalize the interim plan. Completing the interim plan is no guarantee of funding. The NPS will then need to seek ways to fund or otherwise accomplish the actions in the interim plan, recognizing that there are numerous projects throughout the NPS competing for shrinking dollars.

Basic guidance for the interim plan

National Park Service planners have highlighted and organized sections of the legislation and the special resource study that will be especially important to guide interim planning for the park, until the complete foundation for planning is developed as part of the general management plan. The selections have been organized to provide a starting point for:

- Purpose of the site
- Special mandates
- Significance
- Interpretation
- Visitor experience
- Fundamental resources and values

Legislation for Sand Creek Massacre National Historic Site

Site Study Act of 1998, PL 105-243

Establishment Act of 2000, PL 106-465

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Vegetation Classification Project, Bent's Old Fort National Historic Site and Sand Creek Massacre National Historic Site Colorado Natural heritage Program, Colorado State University. Fort Collins. May, 2006.

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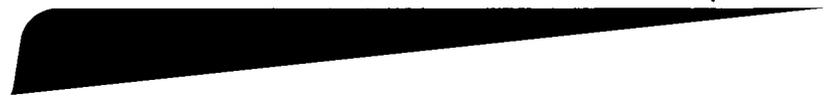
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Basic Guidance



Sand Creek Massacre National Historic Site
Basic Guidance for Interim Planning

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Sand Creek Massacre National Historic Site **Source of Basic Guidance**

These are sections of the legislation and the special resource study (which reflect the agreement of Tribes, the State, the NPS, and Congress) that will be especially important to guide interim planning for the park, until the complete foundation for planning is developed as part of the general management plan. The sources are cited with the material.

Purpose

Park Purpose is the specific reason(s) for establishing a particular park.

PL 106-465 – Sand Creek Massacre National Historic Site Establishment Act of 2000

SEC. 2. FINDINGS AND PURPOSES. *(note – these are the purposes of the Act)*

(b) PURPOSES- The purposes of this Act are--

- (1) to recognize the importance of the Sand Creek Massacre as--
 - (A) a nationally significant element of frontier military and Native American history; and
 - (B) a symbol of the struggles of Native American tribes to maintain their way of life on ancestral land;
- (2) to authorize, on acquisition of sufficient land, the establishment of the site of the Sand Creek Massacre as a national historic site; and
- (3) to provide opportunities for the tribes and the State to be involved in the formulation of general management plans and educational programs for the national historic site.

SEC. 5. ADMINISTRATION. *(note -these reflect the purpose of establishing the park)*

(b) MANAGEMENT- The Secretary shall manage the site--

- (1) to protect and preserve the site, including--
 - (A) the topographic features that the Secretary determines are important to the site;
 - (B) artifacts and other physical remains of the Sand Creek Massacre; and
 - (C) the cultural landscape of the site, in a manner that preserves, as closely as practicable, the cultural landscape of the site as it appeared at the time of the Sand Creek Massacre;
- (2)(A) to interpret the natural and cultural resource values associated with the site; and
- (B) provide for public understanding and appreciation of, and preserve for future generations, those values; and
- (3) to memorialize, commemorate, and provide information to visitors to the site to--
 - (A) enhance cultural understanding about the site; and
 - (B) assist in minimizing the chances of similar incidents in the future.

Sand Creek Massacre National Historic Site **Special Mandates**

Special mandates are legal requirements and administrative commitment that apply to a specific unit of the national park system. They are mandated by Congress or by signed agreements with other entities. They are specific to the park, and are not an inventory of all the laws applicable to the national park system

PL 106-465 – Sand Creek Massacre National Historic Site Establishment Act of 2000

SEC. 5. ADMINISTRATION.

- (a) IN GENERAL- The Secretary shall manage the site in accordance with--
 - (1) this Act;
 - (2) the Act entitled 'An Act to establish a National Park Service, and for other purposes', approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.);
 - (3) the Act of August 21, 1935 (16 U.S.C. 461 et seq.); and
 - (4) other laws generally applicable to management of units of the National Park System.

- (c) CONSULTATION AND TRAINING-
 - (1) IN GENERAL- In developing the management plan and preparing educational programs for the public about the site, the Secretary shall consult with and solicit advice and recommendations from the tribes and the State.
 - (2) AGREEMENTS- The Secretary may enter into cooperative agreements with the tribes (including boards, committees, enterprises, and traditional leaders of the tribes) and the State to carry out this Act.

SEC. 8. NEEDS OF DESCENDANTS.

- (a) IN GENERAL- A descendant shall have reasonable rights of access to, and use of, federally acquired land within the site, in accordance with the terms and conditions of a written agreement between the Secretary and the tribe of which the descendant is a member.
- (b) COMMEMORATIVE NEEDS- In addition to the rights described in subsection (a), any reasonable need of a descendant shall be considered in park planning and operations, especially with respect to commemorative activities in designated areas within the site.

SEC. 9. TRIBAL ACCESS FOR TRADITIONAL CULTURAL AND HISTORICAL OBSERVANCE.

- (a) ACCESS-
 - (1) IN GENERAL- The Secretary shall grant to any descendant or other member of a tribe reasonable access to federally acquired land within the site for the purpose of carrying out a traditional, cultural, or historical observance.
 - (2) NO FEE- The Secretary shall not charge any fee for access granted under paragraph (1).
- (b) CONDITIONS OF ACCESS- In granting access under subsection (a), the Secretary shall temporarily close to the general public one or more specific portions of the site in order to protect the privacy of tribal members engaging in a traditional, cultural, or historical observance in those portions; and any such closure shall be made in a

manner that affects the smallest practicable area for the minimum period necessary for the purposes described above.

(c) SAND CREEK REPATRIATION SITE-

(1) IN GENERAL- The Secretary shall dedicate a portion of the federally acquired land within the site to the establishment and operation of a site at which certain items referred to in paragraph (2) that are repatriated under the Native American Graves Protection and Repatriation Act (25 U.S.C. 300 et seq.) or any other provision of law may be interred, reinterred, preserved, or otherwise protected.

(2) ACCEPTABLE ITEMS- The items referred to in paragraph (1) are any items associated with the Sand Creek Massacre, such as--

- (A) Native American human remains;
- (B) associated funerary objects;
- (C) unassociated funerary objects;
- (D) sacred objects; and
- (E) objects of cultural patrimony.

(d) TRIBAL CONSULTATION- In exercising any authority under this section, the Secretary shall consult with, and solicit advice and recommendations from, descendants and the tribes.

Memoranda of Understanding, Cooperative Agreements, and Contracts

Past agreements:

Memorandum of Understanding among National Park Service, Cheyenne and Arapaho Tribes of Oklahoma, Northern Cheyenne Tribe, and Northern Arapaho Tribe for government-to-government relations in the implementation of P.L. 105-243. (Obsolete now, but an important part of the history of our relationships.)

Cooperative Agreement between the National Park Service and the Northern Arapaho Tribe for the Sand Creek Massacre Site Project. (Also now expired, replaced with new one.)

Cooperative Agreement between the National Park Service and the Northern Cheyenne Tribe for the Sand Creek Massacre Site Project. (Also now expired, replaced with new one.)

Cooperative Agreement between the National Park Service and the Cheyenne and Arapaho Tribes of Oklahoma for the Sand Creek Massacre Site Project. (also now expired, replaced with new one.)

Current Agreements:

Cooperative Agreement between the National Park Service and the Cheyenne and Arapaho Tribes of Oklahoma to be involved in the formulation of general management plans and educational programs for the national historic site.

Cooperative Agreement between the National Park Service and the Northern Cheyenne Tribe to be involved in the formulation of general management plans and educational programs for the national historic site.

Cooperative Agreement between the National Park Service and the Northern Arapaho Tribe to be involved in the formulation of general management plans and educational programs for the national historic site.

Memorandum of Understanding between the National Park Service and the Cheyenne and Arapaho Tribes of Oklahoma regarding responsibility and actions necessary to move toward the United States accepting Tribally-owned real property in Trust for the benefit of the Tribes as part of the Sand Creek Massacre National Historic Site.

Agreement in Principle between the National Park Service and the Cheyenne and Arapaho Tribes of Oklahoma regarding the management of Trust property by the National Park Service at the Sand Creek Massacre National Historic Site.

Contract with the Kiowa County Sheriff's Office to provide law enforcement services for Sand Creek Massacre National Historic Site.

Cooperative Agreement between the Kiowa County Economic Development Foundation (KCEDF) and the National Park Service (NPS) to facilitate cooperative relationships between the NPS and KCEDF in the management of the Park and the subsequent economic development opportunities the Park will bring to Kiowa County.

Cooperative Agreement between the National Park Service (NPS) and Board of County Commissioners of Kiowa County (County). The principal objective of this Agreement is to facilitate consultation with the County regarding stewardship of lands within the authorized boundaries of the Sand Creek Massacre National Historic Site.

Cooperative Agreement between and the National Park Service and the Kiowa County Search and Rescue to establish the terms and conditions under which the parties will provide mutual assistance in wildland and structural fire suppression through the sharing of resources.

Sand Creek Massacre National Historic Site **Significance**

Park significance statements express why the park's resources and values are important enough to warrant national park designation. They describe why an area is important within a global, national, regional, and systemwide context are directly linked to the purpose of the park. These have been extracted from the Sand Creek Massacre National Historic Site Establishment Act of 2000 (PL 106-465) and the Sand Creek Massacre Project, Volume 2: Special Resource Study (SRS) and Environmental Assessment(EA), prepared by the National Park Service, Intermountain Region.

The Event

On November 29, 1864, a peaceful village of Cheyenne and Arapaho Indians under the leadership of Chief Black Kettle, along Sand Creek in southeastern Colorado territory was attacked by approximately 700 volunteer soldiers commanded by Colonel John M. Chivington. [PL 106-465, SEC. 2 (a) (1)]

More than 150 Cheyenne and Arapaho were killed in the attack, most of whom were women, children, or elderly. [PL 106-465, SEC. 2 (a) (2)]

During the massacre and the following day, the soldiers committed atrocities of the dead before withdrawing from the field. [PL 106-465, SEC. 2 (a) (3)]

Sacred Ground/Memorial

The site of the Sand Creek Massacre is of great significance to descendants of the victims of the massacre and their respective tribes, for the commemoration of ancestors at the site. [PL 106-465, SEC. 2 (a) (4)]

In addition, for the Cheyennes and Arapahos the site represents sacred ground consecrated with the blood of their forbears; to them the site holds immediate personal and religious meaning that will transcend the experience of most other visitors. [SRS/EA Chapter 5, p. 46]

Contemporary Relevance

The site is a reminder of the tragic extremes sometimes reached in the 500 years of conflict between Native Americans and people of European and other origins concerning the land that now comprises the United States. [PL 106-465, SEC. 2 (a) (5)]

Sand Creek created an environment of enormous distrust, and virtually all Indian-Army conflicts that ensued were rooted, at least partly, in the events of November 29, 1864. A National Park Unit at Sand Creek would provide an opportunity for Americans to better understand the significance of the Sand Creek Massacre, the chain of events that led up to it, the relationship between Indians and whites during the mid to-late nineteenth century, the devastating effects of the massacre upon the Cheyenne and Arapaho people, and its far-reaching repercussions, many of which linger to this day. [SRS/EA, Chapter 5, p. 47]

Impact on Tribal culture

Sand Creek Massacre NHS recognizes the importance of the Sand Creek Massacre as a symbol of the struggles of Native American tribes to maintain their way of life on ancestral land. [PL 106-465 SEC. 2 (b) (1) (B)]

In the lives lost at Sand Creek, both the Cheyennes and Arapahos experienced familial and societal disruptions that have since spanned the generations of their societies. For both peoples, the site of the massacre comprises sacred ground, consecrated by the blood of lost forbears and venerated today by descendants and friends of those who died as well as of those who survived. [SRS/EA, Chapter 5, p.41]

The massacre especially devastated the Cheyennes with enormous physical, social, political, and material consequences that changed the course of their history forever. [SRS/EA Chapter 5, p. 44]

Impact on Indian-white relations

In the context of the time, the massacre eliminated nearly all of the Cheyenne leaders who had favored peace with the United States, and those who survived thereafter advocated resistance to the government. The event thus escalated warfare throughout much of the central plains between the army and the Cheyennes, Arapahos, and Lakotas; virtually all Indian-army conflicts that ensued in the central and northern plains traced their origins at least partly to the Sand Creek Massacre and its long-term unsettling effects among native peoples in the region. [SRS/EA, Chapter 5, pp. 44-45]

The massacre at Sand Creek of nearly 150 Cheyenne and Arapaho people who believed they were under the protection of the U.S. government was a major turning point in the relationship between whites and Indians. [SRS/EA Chapter 5, p. 47]

Moreover, because of pervasive influences presently existing within the Cheyenne and Arapaho societies throughout the plains region, the cultural, political, and military repercussions from the Sand Creek Massacre have continued to the present, and the event has been used by various groups to broadly symbolize perceived genocidal aspects of United States Indian policy. [SRS/EA, Chapter 5, p. 44]

Impact on Indian-U.S. Military Policy

The massacre and its investigations produced outcries against the army that lingered throughout the period of the post-Civil War conflicts and persuaded the military leadership to attempt to limit noncombatant casualties in future engagements with Indians. It further provoked anti-military criticism and helped scuttle plans for War Department control of Indian affairs then prevalent. Although there occurred other massacres of Indian peoples by troops during the last half of the nineteenth century, the circumstances of Sand Creek elicited wide national outrage and it remained forefront in the public consciousness. [SRS/EA, Chapter 5, p. 45]

In addition, partly because of the federal inquiries that followed the event, the Sand Creek Massacre directly impacted congressional thinking about the role of the army in Indian policy; it not only heightened anti-military bias among Indian reformers, but it blunted then-

current efforts to transfer control of Indian affairs from the Interior Department to the War Department. Moreover, Sand Creek became an important symbol in the movement for reform of policies towards Indians, and from 1865 through the 1880s was repeatedly highlighted as proof of the essential inhumanity of federal policy. In more recent times, it has been used by Native Americans and modern Indian activist movements as proof of the genocidal intent of United States Indian policy. [SRS/EA, Chapter 5, p.43]

The Sand Creek Massacre and its resultant congressional and military inquiries influenced evolving Indian policy as well as the Indian reform movement during the mid to late nineteenth century. [SRS/EA, Chapter 5, p. 45]

Circumstances Leading up to the Event

The study area holds potential for addressing the particular circumstances that evolved by 1864 among the Indians, Colorado territorial officials, and federal authorities to produce the calamitous course leading to Sand Creek, and for relating the effects of the massacre upon the Cheyennes, Arapahos, and other tribes, as well as upon regional white settlement thereafter. As well, the site will promote discussion and understanding about cultural differences not only among the various tribes, but between the Cheyennes and Arapahos and territorial and federal politicians that helped create the atmosphere leading to the massacre. It will, moreover, provide a broad context for understanding the wide-ranging conflict, as well as the nature of the warfare, existing between Indians and whites during the mid-to-late nineteenth century. [SRS/EA, Chapter 5, p. 45]

Illustrating Indian Culture

The Sand Creek Massacre site offers a prime opportunity for Americans to learn about the composition and histories of Plains Indian societies, particularly the Cheyennes and Arapahos, their relationships to their environment, and their lives during the mid nineteenth century when confronted by the expansive interests of the United States. [SRS/EA Chapter 5, p. 45]

Resources

The site of this profound event will stimulate thought and promote curiosity about what happened and why. The landforms within the proposed study area have changed negligibly since 1864, and visitors will gain a ready appreciation of the manner in which the massacre unfolded. The quietude of the site with its gently undulating landscape will afford opportunities for contemplation and for appreciating the extenuated complexities of the human tragedy that unfolded at Sand Creek. [SRS/EA Chapter 5, p. 46]

Sand Creek Massacre National Historic Site **Interpretation**

The interim management plan will need to identify opportunities for interpretation, education. This basic guidance has been taken from the Sand Creek Massacre Project, Volume 2: Special Resource Study (SRS) and Environmental Assessment(EA), prepared by the National Park Service, Intermountain Region.

A Common Element: Interpreting the Significance of the Sand Creek Massacre

Throughout the study process, numerous ideas were expressed about how best to commemorate and interpret the events of the Sand Creek Massacre. (The word “interpretation” has several meanings; in this study it refers to the educational activity that aims to reveal meanings and relationships through the use of original objects, by firsthand experience, and by illustrative media, rather than simply to communicate factual information.) Some of the ideas focused on how to best memorialize those who were killed at the site, and what form that memorial could take in terms of exhibits, memorial statues, and interpretive programs. However, regardless of which alternative is chosen and implemented, most of the comments emphasized the importance of increasing the public’s understanding of the Sand Creek Massacre, and that the interpretation and learning about Sand Creek should focus on four primary stories:

- Significance of the Sand Creek Massacre event and site;
- Remembrance of the victims of the Sand Creek Massacre;
- Present-day living culture of the tribes associated with the Sand Creek Massacre;
- Historical and cultural context of the Sand Creek Massacre.

These four stories are common to all three alternatives, regardless of whether or not visitors have access to the site.

[SRS/EA, Chapter 8, p. 77]

Sand Creek Massacre National Historic Site **Visitor Experiences**

The interim management plan will need to identify desired visitor experiences. This basic guidance has been taken from the Sand Creek Massacre Project, Volume 2: Special Resource Study (SRS) and Environmental Assessment(EA), prepared by the National Park Service, Intermountain Region.

Visitor Experiences Common to Alternatives 2 and 3

Alternatives 2 and 3 both allow public access to the Sand Creek Massacre site, although the amount of access varies significantly. People traveling to a site take individual and collective experiences away from their visit. Regardless of which of the two action alternatives is chosen and implemented at the Sand Creek Massacre site, visitors would have opportunities for:

- A cross-cultural and spiritual experience;
- Understanding of the relationships of present-day tribal people, especially Sand Creek descendants, to the massacre site;
- Interacting with descendants of Sand Creek Indian victims or survivors;
- Access to tribal oral histories of the Sand Creek Massacre –for appreciation and understanding by non-Indians, and for remembrance by tribal youth;
- A physical connection with the massacre site’s natural setting;
- Interpretive and educational programs, both on and off site, which reach all age levels and cultural backgrounds;
- Solitude and contemplation at the massacre site.

[SRS/EA, Chapter 8, p. 78]

Sand Creek Massacre National Historic Site Fundamental Resources and Values

Fundamental resources and values are the most important systems, processes, features, visitor experiences, stories, scenes, sounds, smells or other resources and values to be communicated to the public about a park. They warrant primary consideration during planning and management because they are critical to achieving the park's purpose and maintaining its significance. **Other important resources and values** may not be fundamental to the park's purpose and significance, but are nevertheless determined to be particularly important for planning and management. This list was generated from the legislation and the Special Resource Study as a starting point, to be used with the tribes, state, and the public when beginning the general management plan.

This list is very preliminary, and is in no particular order of importance. It will be revised during the general management planning process with the tribes, the state, and the public.

Fundamental Resources and Values

- Artifacts and other physical remains
- Topographic features such as the bluffs; the creek bottom; ephemeral ponds; gently rolling prairie grasslands
- The Big Sandy Creek and the notable bends – the north and south bends
- Extensive viewsheds to the north, east, and south.
- Cultural landscape of the site, in a manner that preserves, as closely as practicable, the cultural landscape of the site as it appeared at the time of the Sand Creek Massacre
- Manuscripts and maps
- Oral histories/how discourse about the event is conducted because of its sacred nature
- Cultural and natural resources encompassed within the 2001 *National Register of Historic Places* boundary
- Witness trees and large downed cottonwood logs
- Culturally significant plant and animal species
- Planned repatriation site
- Places that have been blessed or where ceremonies occur(ed)
- Intangible spiritual qualities of the landscape (sense of place)
- Remains of individuals still in the ground and those that have been repatriated from museums
- Spiritual Healing Runs and other commemorative activities
- Memorialization

Other Important Resources and Values

- 1950 monument and overlook
- Historic canals
- Wetlands
- Cottonwood trees (not present in 1864)
- Post-massacre ranching history and associated resources
- Dark night skies



Legislation



THE CONGRESSIONAL ACT

Public Law 105-243 105th Congress

An Act

To authorize the Secretary of the Interior to study the suitability and feasibility Oct. 6, 1998 of designating the Sand Creek Massacre National Historic Site in the State (S.1695) of Colorado as a unit of the National Park System, and for other purposes.

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

SECTION 1. SHORT TITLE Sand Creek Massacre

This Act may be cited as the "Sand Creek Massacre National National Historic Site Study Act of 1998". Site Study Act of 1998

SEC. 2. FINDINGS

(a) **FINDINGS.** --Congress finds that--

(1) on November 29, 1864, Colonel John M. Chivington John M. led a group of 700 armed soldiers to a peaceful Cheyenne Chivington. village of more than 100 lodges on the Big Sandy, also known Black Kettle as Sand Creek, located within the Territory of Colorado and in a running fight that ranged several miles upstream along the Big Sandy, slaughtered several hundred Indians in Chief Black Kettle's village, the majority of whom were women and children;

(2) the incident was quickly recognized as a national disgrace and investigated and condemned by 2 congressional committees and a military commission;

(3) although the United States admitted guilt and repara- Cheyenne Tribe.tions were provided for in article VI of the Treaty of Little Arapaho Tribe. Arkansas of October 14, 1865 (14 Stat. 703) between the United States and the Cheyenne and Arapaho Tribes of Indians, those treaty obligations remain unfulfilled;

(4) land at or near the site of the Sand Creek Massacre may be available for purchase from a willing seller; and

(5) the site is of great significance to the Cheyenne and Arapaho Indian descendants of those who lost their lives at the incident at Sand Creek and to their tribes, and those descendants and tribes deserve the right of open access to visit the site and rights of cultural and historical observance at the site.

SEC. 3. DEFINITIONS.

In this Act:

(1) **SECRETARY.**--The term "Secretary" means the Secretary of the Interior acting through the Director of the National Park Service.

(2) **SITE.** --The term "site" means the Sand Creek Massacre site described in section 2.

(3) **TRIBES.** --The term "Tribes" means--

- (A) the Cheyenne and Arapaho Tribe of Oklahoma;
the Northern Cheyenne Tribe; and
the Northern Arapaho Tribe.

SEC. 4. STUDY.

Deadline (a) IN GENERAL. –Not later than 18 months after the date on which funds are made available for the purpose, the Secretary in consultation with the Tribes and the State of Colorado, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a resource study of the site.

(b) CONTENTS. –The study under subsection (a) shall–

(1) identify the location and extent of the massacre area and the suitability and feasibility of designating the site as a unit of the National Park System; and

(2) include cost estimates for any necessary acquisition, development, operation and maintenance, and identification of alternatives for the management, administration, and protection of the area.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Approved October 6, 1998.

For information on the study, write to:

Rick Frost
National Park Service Intermountain Region
P.O. Box 25287
Denver, CO 80225

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Public Law 106-465
106th Congress

An Act

To authorize the Secretary of the Interior to establish the Sand Creek Massacre National Historic Site in the State of Colorado. <<NOTE: Nov. 7, 2000 - [S. 2950]>>

Be it enacted by the Senate and House of Representatives of the United States of America in Congress <<NOTE: Sand Creek Massacre National Historic Site Establishment Act of 2000. 16 USC 461 note.>> assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ``Sand Creek Massacre National Historic Site Establishment Act of 2000''.

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.--Congress finds that--

(1) on November 29, 1864, a peaceful village of Cheyenne and Arapaho Indians under the leadership of Chief Black Kettle, along Sand Creek in southeastern Colorado territory was attacked by approximately 700 volunteer soldiers commanded by Colonel John M. Chivington;

(2) more than 150 Cheyenne and Arapaho were killed in the attack, most of whom were women, children, or elderly;

(3) during the massacre and the following day, the soldiers committed atrocities on the dead before withdrawing from the field;

(4) the site of the Sand Creek Massacre is of great significance to descendants of the victims of the massacre and their respective tribes, for the commemoration of ancestors at the site;

(5) the site is a reminder of the tragic extremes sometimes reached in the 500 years of conflict between Native Americans and people of European and other origins concerning the land that now comprises the United States;

(6) Congress, in enacting the Sand Creek Massacre National Historic Site Study Act of 1998 (Public Law 105-243; 112 Stat. 1579), directed the National Park Service to complete a resources study of the site;

(7) the study completed under that Act--

(A) identified the location and extent of the area in which the massacre took place; and

(B) confirmed the national significance, suitability, and feasibility of, and evaluated management options for, that area, including designation of the site as a unit of the National Park System; and

(8) the study included an evaluation of environmental

impacts and preliminary cost estimates for facility development, administration, and necessary land acquisition.

(b) Purposes.--The purposes of this Act are--

[[Page 114 STAT. 2020]]

(1) to recognize the importance of the Sand Creek Massacre as--

(A) a nationally significant element of frontier military and Native American history; and

(B) a symbol of the struggles of Native American tribes to maintain their way of life on ancestral land;

(2) to authorize, on acquisition of sufficient land, the establishment of the site of the Sand Creek Massacre as a national historic site; and

(3) to provide opportunities for the tribes and the State to be involved in the formulation of general management plans and educational programs for the national historic site.

SEC. 3. DEFINITIONS.

In this Act:

(1) Descendant.--The term ``descendant'' means a member of a tribe, an ancestor of whom was injured or killed in, or otherwise affected by, the Sand Creek Massacre.

(2) Management plan.--The term ``management plan'' means the management plan required to be developed for the site under section 7(a).

(3) Secretary.--The term ``Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

(4) Site.--The term ``site'' means the Sand Creek Massacre National Historic Site established under section 4(a).

(5) State.--The term ``State'' means the State of Colorado.

(6) Tribe.--The term ``tribe'' means--

(A) the Cheyenne and Arapaho Tribes of Oklahoma;

(B) the Northern Cheyenne Tribe; or

(C) the Northern Arapaho Tribe.

SEC. 4. ESTABLISHMENT.

(a) In General.--

(1) Determination.--On a determination by the Secretary that land described in subsection (b)(1) containing a sufficient quantity of resources to provide for the preservation, memorialization, commemoration, and interpretation of the Sand Creek Massacre has been acquired by the National Park Service, the Secretary shall establish the Sand Creek Massacre National Historic Site, Colorado.

(2) <<NOTE: Federal Register, publication.>> Publication.--The Secretary shall publish in the Federal Register a notice of the determination of the Secretary under paragraph (1).

(b) Boundary.--

(1) Map and acreage.--The site shall consist of approximately 12,480 acres in Kiowa County, Colorado, the site of the Sand Creek Massacre, as generally depicted on the map entitled, ``Sand Creek Massacre Historic Site'', numbered, SAND 80,013 IR, and dated July 1, 2000.

(2) Legal description.--The Secretary shall prepare a legal description of the land and interests in land described in paragraph (1).

(3) Public availability.--The map prepared under paragraph (1) and the legal description prepared under paragraph (2) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

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(4) Boundary revision.--The Secretary may, as necessary, make minor revisions to the boundary of the site in accordance with section 7(c) of the Land and Water Conservation Act of 1965 (16 U.S.C. 4601-9(c)).

SEC. 5. ADMINISTRATION.

(a) In General.--The Secretary shall manage the site in accordance with--

- (1) this Act;
- (2) the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.);
- (3) the Act of August 21, 1935 (16 U.S.C. 461 et seq.); and
- (4) other laws generally applicable to management of units of the National Park System.

(b) Management.--The Secretary shall manage the site--

- (1) to protect and preserve the site, including--
 - (A) the topographic features that the Secretary determines are important to the site;
 - (B) artifacts and other physical remains of the Sand Creek Massacre; and
 - (C) the cultural landscape of the site, in a manner that preserves, as closely as practicable, the cultural landscape of the site as it appeared at the time of the Sand Creek Massacre;
- (2) (A) to interpret the natural and cultural resource values associated with the site; and
 - (B) provide for public understanding and appreciation of, and preserve for future generations, those values; and
- (3) to memorialize, commemorate, and provide information to visitors to the site to--
 - (A) enhance cultural understanding about the site; and
 - (B) assist in minimizing the chances of similar incidents in the future.

(c) Consultation and Training.--

- (1) In general.--In developing the management plan and preparing educational programs for the public about the site, the Secretary shall consult with and solicit advice and recommendations from the tribes and the State.
- (2) Agreements.--The Secretary may enter into cooperative agreements with the tribes (including boards, committees, enterprises, and traditional leaders of the tribes) and the State to carry out this Act.

SEC. 6. ACQUISITION OF PROPERTY.

(a) In General.--The Secretary may acquire land and interests in land within the boundaries of the site--

- (1) through purchase (including purchase with donated or appropriated funds) only from a willing seller; and
- (2) by donation, exchange, or other means, except that any land or interest in land owned by the State (including a political subdivision of the State) may be acquired only by donation.

(b) Priority for Acquisition.--The Secretary shall give priority to the acquisition of land containing the marker in existence on the date of enactment of this Act, which states ``Sand Creek

[[Page 114 STAT. 2022]]

Battleground, November 29 and 30, 1864'', within the boundary of the site.

(c) Cost-Effectiveness.--

- (1) In general.--In acquiring land for the site, the Secretary, to the maximum extent practicable, shall use cost-effective alternatives to Federal fee ownership, including--
 - (A) the acquisition of conservation easements; and
 - (B) other means of acquisition that are consistent with local zoning requirements.
- (2) Support facilities.--A support facility for the site that is not within the designated boundary of the site may be located in Kiowa County, Colorado, subject to an agreement between the Secretary and the Commissioners of Kiowa County, Colorado.

SEC. 7. MANAGEMENT PLAN.

(a) <<NOTE: Deadline.>> In General.--Not later than 5 years after the date on which funds are made available to carry out this Act, the Secretary shall prepare a management plan for the site.

(b) Inclusions.--The management plan shall cover, at a minimum--

- (1) measures for the preservation of the resources of the site;
- (2) requirements for the type and extent of development and use of the site, including, for each development--
 - (A) the general location;
 - (B) timing and implementation requirements; and
 - (C) anticipated costs;
- (3) requirements for offsite support facilities in Kiowa County;
- (4) identification of, and implementation commitments for, visitor carrying capacities for all areas of the site;
- (5) opportunities for involvement by the tribes and the State in the formulation of educational programs for the site; and
- (6) opportunities for involvement by the tribes, the State, and other local and national entities in the responsibilities of developing and supporting the site.

8. NEEDS OF DESCENDANTS.

(a) In General.--A descendant shall have reasonable rights of access to, and use of, federally acquired land within the site, in accordance with the terms and conditions of a written agreement between the

Secretary and the tribe of which the descendant is a member.

(b) Commemorative Needs.--In addition to the rights described in subsection (a), any reasonable need of a descendant shall be considered in park planning and operations, especially with respect to commemorative activities in designated areas within the site.

SEC. 9. TRIBAL ACCESS FOR TRADITIONAL CULTURAL AND HISTORICAL OBSERVANCE.

(a) Access.--

(1) In general.--The Secretary shall grant to any descendant or other member of a tribe reasonable access to federally acquired land within the site for the purpose of carrying out a traditional, cultural, or historical observance.

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(2) No fee.--The Secretary shall not charge any fee for access granted under paragraph (1).

(b) Conditions of Access.--In granting access under subsection (a), the Secretary shall temporarily close to the general public one or more specific portions of the site in order to protect the privacy of tribal members engaging in a traditional, cultural, or historical observance in those portions; and any such closure shall be made in a manner that affects the smallest practicable area for the minimum period necessary for the purposes described above.

(c) Sand Creek Repatriation Site.--

(1) In general.--The Secretary shall dedicate a portion of the federally acquired land within the site to the establishment and operation of a site at which certain items referred to in paragraph (2) that are repatriated under the Native American Graves Protection and Repatriation Act (25 U.S.C. 300 et seq.) or any other provision of law may be interred, reinterred, preserved, or otherwise protected.

(2) Acceptable items.--The items referred to in paragraph (1) are any items associated with the Sand Creek Massacre, such as--

- (A) Native American human remains;
- (B) associated funerary objects;
- (C) unassociated funerary objects;
- (D) sacred objects; and
- (E) objects of cultural patrimony.

(d) Tribal Consultation.--In exercising any authority under this section, the Secretary shall consult with, and solicit advice and recommendations from, descendants and the tribes.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Approved November 7, 2000.

LEGISLATIVE HISTORY--S. 2950:

SENATE REPORTS: No. 106-418 (Comm. on Energy and Natural Resources).
 CONGRESSIONAL RECORD, Vol. 146 (2000):
 Oct. 5, considered and passed Senate.

Oct. 23, considered and passed House.

<all>

Public Law 109-45
109th Congress

An Act

To further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000.

Aug. 2, 2005
[H.R. 481]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Sand Creek Massacre National Historic Site Trust Act of 2005”.

Sand Creek
Massacre
National Historic
Trust Act of
2005.
16 USC 461 note.

SEC. 2. DEFINITIONS.

In this Act:

(1) **FACILITY.**—The term “facility” means any structure, utility, road, or sign constructed on the trust property on or after the date of enactment of this Act.

(2) **IMPROVEMENT.**—The term “improvement” means—

(A) a 1,625 square foot 1-story ranch house, built in 1952, located in the SW quarter of sec. 30, T. 17 S., R. 45 W., sixth principal meridian;

(B) a 3,600 square foot metal-constructed shop building, built in 1975, located in the SW quarter of sec. 30, T. 17 S., R. 45 W., sixth principal meridian;

(C) a livestock corral and shelter; and

(D) a water system and wastewater system with all associated utility connections.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(4) **TRIBE.**—The term “Tribe” means the Cheyenne and Arapaho Tribes of Oklahoma, a federally recognized Indian tribe.

(5) **TRUST PROPERTY.**—The term “trust property” means the real property, including rights to all minerals, and excluding the improvements, formerly known as the “Dawson Ranch”, consisting of approximately 1,465 total acres presently under the jurisdiction of the Tribe, situated within Kiowa County, Colorado, and more particularly described as follows:

(A) The portion of sec. 24, T. 17 S., R. 46 W., sixth principal meridian, that is the Eastern half of the NW quarter, the SW quarter of the NE quarter, the NW quarter of the SE quarter, sixth principal meridian.

(B) All of sec. 25, T. 17 S., R. 46 W., sixth principal meridian.

(C) All of sec. 30, T. 17 S., R. 45 W., sixth principal meridian.

SEC. 3. CONVEYANCE OF LAND TO BE HELD IN TRUST FOR THE CHEYENNE AND ARAPAHO TRIBES OF OKLAHOMA.

(a) **LAND HELD IN TRUST FOR THE CHEYENNE AND ARAPAHO TRIBES OF OKLAHOMA.**—On conveyance of title to the trust property by the Tribe to the United States, without any further action by the Secretary, the trust property shall be held in trust for the benefit of the Tribe.

(b) **TRUST.**—All right, title, and interest of the United States in and to the trust property, except any facilities constructed under section 4(b), are declared to be held by the United States in trust for the Tribe.

SEC. 4. IMPROVEMENTS AND FACILITIES.

(a) **IMPROVEMENTS.**—The Secretary may acquire by donation the improvements in fee.

(b) **FACILITIES.**—

(1) **IN GENERAL.**—The Secretary may construct a facility on the trust property only after consulting with, soliciting advice from, and obtaining the agreement of, the Tribe, the Northern Cheyenne Tribe, and the Northern Arapaho Tribe.

(2) **OWNERSHIP.**—Facilities constructed with Federal funds or funds donated to the United States shall be owned in fee by the United States.

(c) **FEDERAL FUNDS.**—For the purposes of the construction, maintenance, or demolition of improvements or facilities, Federal funds shall be expended only on improvements or facilities that are owned in fee by the United States.

SEC. 5. SURVEY OF BOUNDARY LINE; PUBLICATION OF DESCRIPTION.

Deadline.

(a) **SURVEY OF BOUNDARY LINE.**—To accurately establish the boundary of the trust property, not later than 180 days after the date of enactment of this Act, the Secretary shall cause a survey to be conducted by the Office of Cadastral Survey of the Bureau of Land Management of the boundary lines described in section 2(5).

(b) **PUBLICATION OF LAND DESCRIPTION.**—

Federal Register, publication.

(1) **IN GENERAL.**—On completion of the survey under subsection (a), and acceptance of the survey by the representatives of the Tribe, the Secretary shall cause the full metes and bounds description of the lines, with a full and accurate description of the trust property, to be published in the Federal Register.

(2) **EFFECT.**—The description shall, on publication, constitute the official description of the trust property.

SEC. 6. ADMINISTRATION OF TRUST PROPERTY.

(a) **IN GENERAL.**—The trust property shall be administered in perpetuity by the Secretary as part of the Sand Creek Massacre National Historic Site, only for historical, traditional, cultural, and other uses in accordance with the Sand Creek Massacre National Historic Site Establishment Act of 2000 (16 U.S.C. 461 note; Public Law 106-465).

(b) **ACCESS FOR ADMINISTRATION.**—For purposes of administration, the Secretary shall have access to the trust property, improvements, and facilities as necessary for management of the Sand Creek Massacre National Historic Site in accordance with the Sand Creek Massacre National Historic Site Establishment Act of 2000 (16 U.S.C. 461 note; Public Law 106-465).

(c) DUTY OF THE SECRETARY.—The Secretary shall take such action as is necessary to ensure that the trust property is used only in accordance with this section.

(d) SAVINGS PROVISION.—Nothing in this Act supersedes the laws and policies governing units of the National Park System.

SEC. 7. ACQUISITION OF PROPERTY.

Section 6(a)(2) of the Sand Creek Massacre National Historic Site Establishment Act of 2000 (16 U.S.C. 461 note; Public Law 106-465) is amended by inserting “or exchange” after “only by donation”.

Approved August 2, 2005.

LEGISLATIVE HISTORY—H.R. 481 (S. 57):

HOUSE REPORTS: No. 109-107 (Comm. on Resources).

SENATE REPORTS: No. 109-20 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 151 (2005):

June 27, considered and passed House.

July 26, considered and passed Senate.