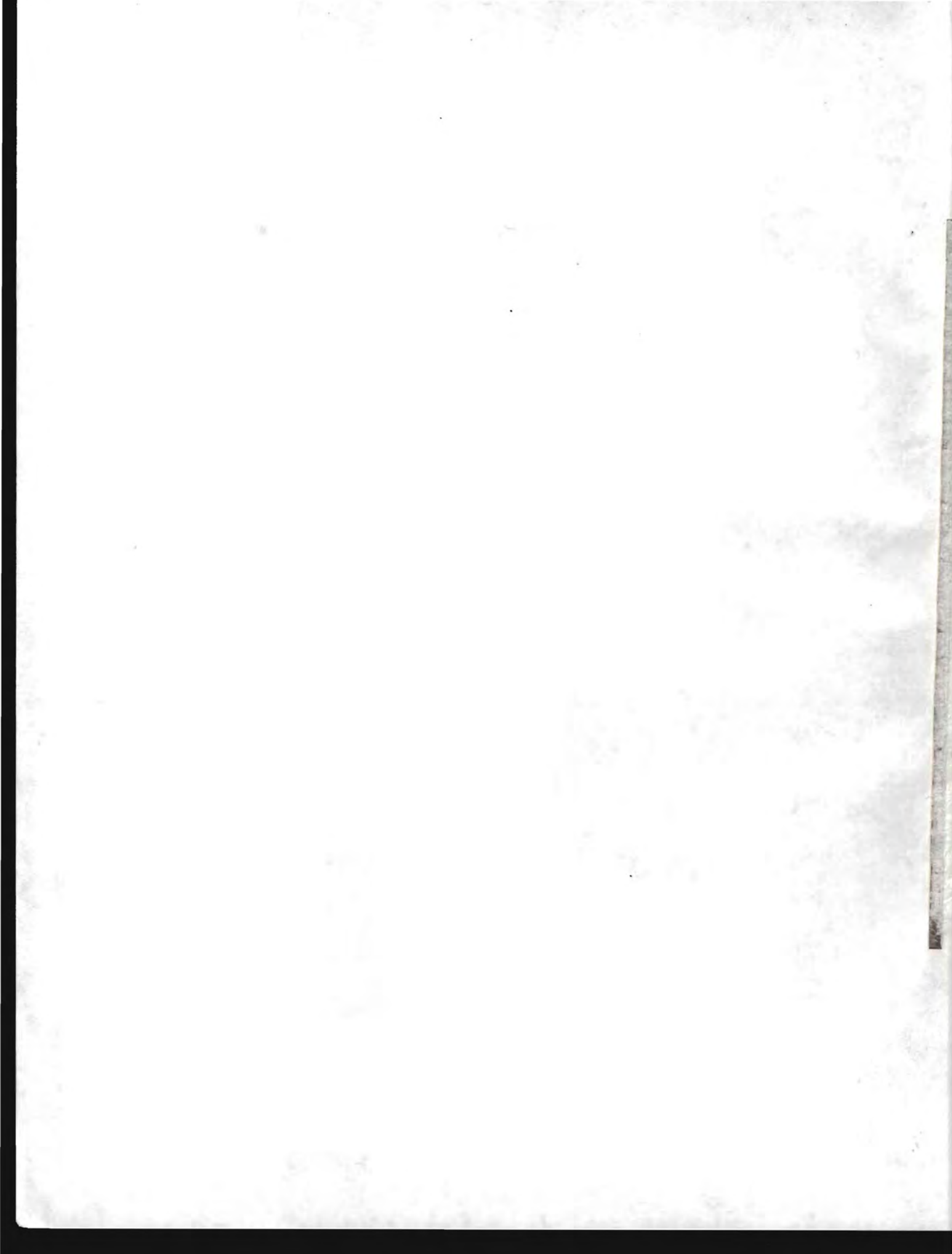


LAND PROTECTION PLAN



INTRODUCTION

POLICIES

Land protection plans describe the alternative strategies for protecting nonfederal lands and mineral interests (if any) within units of the national park system. These plans also consider the problems and means of protecting park resources from external influences. Both are treated in this plan. Like the general management plan, this land protection plan addresses specific issues and concerns that are summarized in the "Purpose and Need for the Plan" section of this document.

On May 7, 1982, the Department of the Interior issued a policy statement (47 FR 19784) to guide use of the federal portion of the Land and Water Conservation Fund. The policy requires that the National Park Service take the following steps in protecting the lands, waters, and interests necessary to achieve natural, cultural, and recreation management objectives:

Identify what lands or interests in land need to be in federal ownership to achieve the purposes of the unit.

Use, to the maximum extent practicable, cost-effective alternatives to direct federal purchase of private lands and when acquisition is necessary, acquire or retain only the minimum interests necessary to meet management objectives.

Cooperate with landowners, other federal agencies, state and local governments, and the private sector to manage lands for public use or to protect them for resource conservation.

Formulate, or revise as necessary, plans for land acquisition and resource use or protection to ensure that sociocultural impacts are considered and that the most outstanding areas are adequately managed and protected.

In response to this departmental policy, the National Park Service has published regulations (48 FR 21121) requiring that a land protection plan be prepared for each unit of the national park system that contains private or other nonfederal land within its authorized boundary.

In compliance with departmental policy and the NPS regulations cited above, this land protection plan has been incorporated with the new general management plan for Theodore Roosevelt National Park. This strategy was selected to ensure a comprehensive and integrated approach to resolving operation and resource management issues, and to achieve the most cost-effective method for accomplishing both planning efforts.

This element of the document constitutes a complete and independent land protection plan with the following exceptions:

Descriptive and historic information on the park and the land protection issues are found in the "Introduction" and the "Purpose and Need for the Plan" sections, respectively.

Land protection alternatives that were considered for dealing with nonfederal mineral rights within the park and the private lands at the east end of the north unit but which were subsequently rejected are treated under "Alternatives Considered But Rejected" section of the "General Management Plan."

Detailed information on nonfederal lands and mineral rights within the park are found in appendixes D and E.

Impacts that would be associated with implementing the land protection plan proposals are integrated with other impacts in the "Environmental Assessment."

This plan does not constitute an offer to purchase land or interest in land; neither does it diminish the rights of nonfederal landowners. The plan is intended to guide subsequent land protection activities subject to the availability of funds and other constraints.

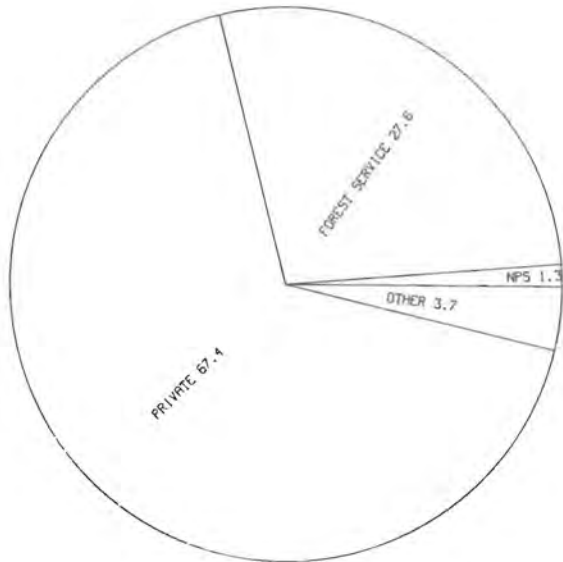
LANDOWNERSHIP AND USES

Regional Ownership and Use

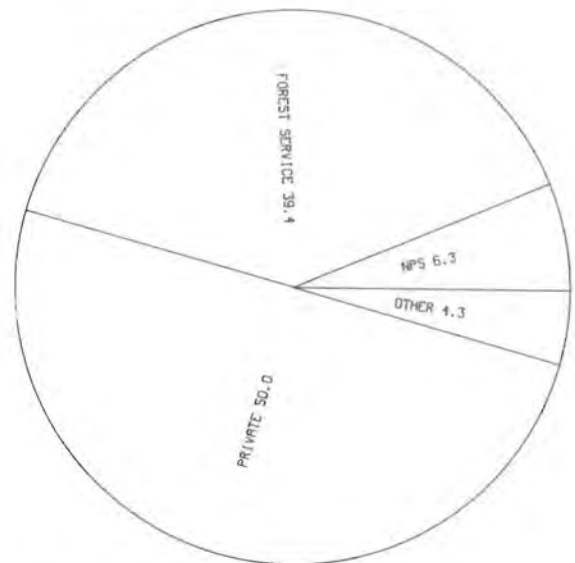
The regional area is considered to include McKenzie and Billings counties, the two counties in which the three park units are located. As shown by the following diagrams, more than two-thirds of the land area in McKenzie County is privately owned. The Little Missouri National Grassland (managed by the U.S. Forest Service) constitutes a major portion of each county, especially Billings County, where the national grassland accounts for nearly two-fifths of the total land area. Generally, the national grassland ownerships are interspersed with private and state lands.

The "other" category is mostly state land--primarily school sections (16 and 36) granted to the state during the last century. Small tracts of public domain land, managed by the Bureau of Land Management, are found east of the north unit and north of the south unit. The NPS area consists totally of Theodore Roosevelt National Park.

LANDOWNERSHIP
MCKENZIE COUNTY

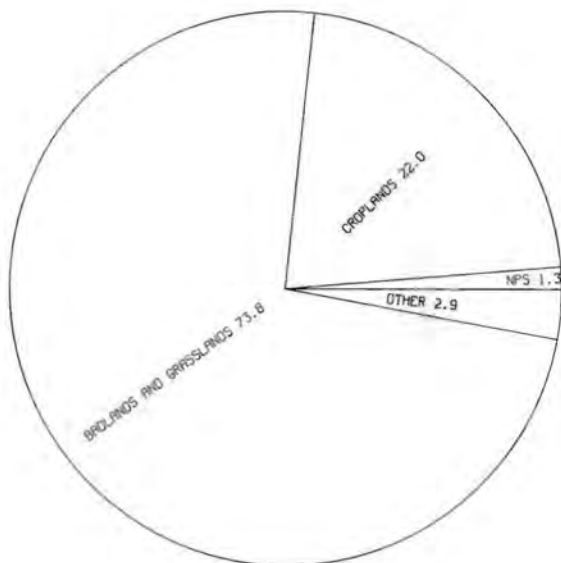


LANDOWNERSHIP
BILLINGS COUNTY

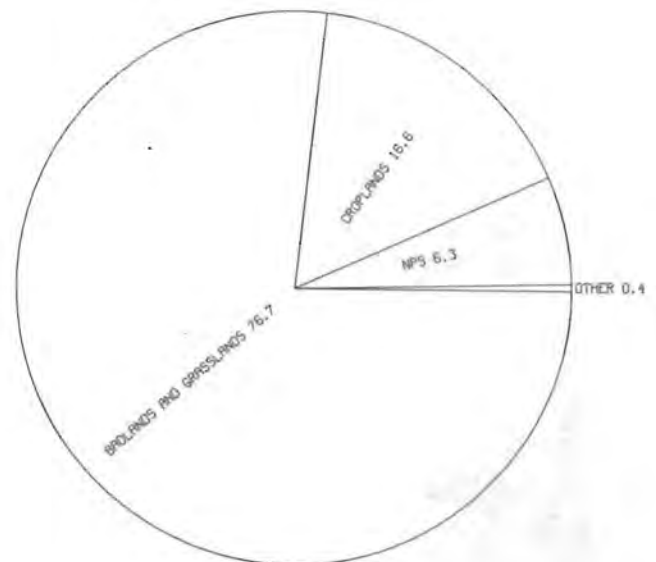


Badlands and grasslands, which represent about three-fourths of the total land area of both counties, are illustrated together in the following diagrams. These two landforms are often adjacent to or interspersed with each other. The badlands and grasslands areas shown here are outside the park and are primarily used for cattle grazing and oil and gas production. Croplands account for a little less than one-fifth of the total two-county area. The "other" category consists primarily of water surface and developed areas, such as towns.

LAND USE
MCKENZIE COUNTY



LAND USE
BILLINGS COUNTY



In-Park Ownership and Use

Table 6 summarizes the land and minerals ownerships within the park boundary. No NPS-administered lands or mineral interests are owned outside the boundary. Also, there are no legislatively imposed ceilings for land acquisition expenditures for the park. Information on private landowners follows the table. It should be noted that for a number of nonfederal mineral tracts, the United States owns any coal that might be present. Land and minerals (ownership) maps are found in the "Recommendations" section.

Table 6: Land and Minerals Ownership within the Park
(as of December 31, 1985)

<u>Surface Ownership</u>	<u>Acres</u>
Federal lands	69,675.88
Private lands	690.27
Nonfederal public land (state highway right-of-way)	<u>50.24</u>
Total Lands	70,416.39
<u>Subsurface Ownership*</u>	
Federal	(69,015.01)
Private	(1,198.15)
Federal and Billings County (2 separated south unit tracts; apparently each entity owns 50%)	(144.78)
Partial federal ownership; also involving private and/or state interests (all such ownerships in south unit at or near Painted Canyon)	(58.45)

*The minerals ownership acreages are shown in parentheses as they are included in the surface ownership acreages shown above and should not be totaled together. The subsurface acreage figures for the federal, private, and partial federal ownership categories are actually approximate, as they are a combination of a number of exact acreages and a few estimated acreages.

Only one park landowner, Mrs. Ruth Baye, is an occupant; however, the land is being sold by her on contract for deed to present nonoccupants. All owners are North Dakota residents who are not dependent on their property as a source of livelihood. The properties are receiving little

use beyond a limited amount of stock grazing. There is the potential for a home to be developed on one of the three north unit tracts owned by Odin Stutrud. The owner of the two tracts in the south unit, Norbert Sickler, acquired the properties from St. Joseph's Catholic Church following the completion of I-94 and the cutting off of all road access to the tracts. None of the private tracts are critical to any continuing ranch or farming operations.

Approximately 97 percent of the park is in a natural or near-natural condition (see table 1, North Unit and South Unit Management Zoning Proposal maps, and Elkhorn Unit DCP map). The remainder is private land that is currently used lightly for stock grazing, as well as several limited areas of the park that are developed for roads, other visitor use, administrative purposes, and preservation of historic resources.

History and Current Status of Land Protection Actions

The acquisition history of the park is reflected in table 7. The acreage shown as disposed inside boundary resulted from a boundary change. The mineral rights acquired are those that did not come with the surface ownership; the acreage is shown in parentheses as it should not be totaled with the surface acreage figures. Only 235.95 acres of land have been acquired through condemnation. There are no pending actions at this time.

Table 7: Park Land and Minerals Acquisitions
(as of December 31, 1985)

<u>Method of Acquisition</u>	<u>Acres Acquired</u>	<u>Acres Disposed inside Boundary</u>
Purchase	379.80	
Complaint in condemnation	160.00	
Declaration of taking	75.95	
Donation	216.76	
Exchange	10,002.26	
Transfer	231.72	
Withdrawal	59,145.67	
Disposal other than exchange		536.28
Total Fee (Surface)	70,212.16	536.28
Total Mineral Rights	(7,868.65)	

PROTECTION ALTERNATIVES

The land protection methods in this section have been analyzed for their applicability in protecting park resources and visitor use experiences. The protection techniques are first described and then analyzed for their applicability in protecting resources and implementing policy and plan objectives.

FEDERAL AND STATE REGULATIONS

There are numerous federal regulations that apply to the park that provide varying degrees of protection for the resources. One of the more important regulations involves the fact that all three units of the park have been identified for protection as class I areas for the purpose of preventing significant deterioration of air quality in accordance with the 1977 Clean Air Act amendments. Other laws and authorities govern protection of wetlands and major watercourses, extraction of minerals, discharge of dredge and fill material, nondegradation of water quality, and protection of endangered plant and wildlife species and cultural sites. However, most of these laws apply only or mainly to federally owned land and are difficult to enforce on private lands.

Congress did not specifically authorize the exploration and extraction of federal or nonfederal oil, gas, or other mineral resources within the boundary of the park. Such uses would have an adverse impact on park resources and visitor experiences. Therefore, the National Park Service must consider these uses as incompatible and take whatever steps are necessary, including acquisition, to preclude their activity. Until such time as rights to the nonfederal oil and gas and other minerals have been acquired by the Park Service, mineral activities associated with these rights would be subject to the regulatory requirements of 36 CFR 9B.

North Dakota state laws and regulations address mineral resource extraction, water development and use, water pollution, hunting and trapping, outdoor advertising adjacent to highways, ecological preservation, open burning, and weed control. They also provide enabling laws for local government to exercise regulatory authority including land use controls. Additionally, the state has declared the Little Missouri River a state scenic river and has expressly prohibited channelization, reservoir construction, dredging, and diversion other than for agricultural or recreational purposes. The river has been considered for federal wild and scenic river study, but such a study has never been authorized by Congress.

The state of North Dakota has both air and water quality standards as well as implementation plans. These standards are required to be at least equal to the national standards. The air quality standards cover particulate matter, sulfur dioxide, nitrogen oxides, oxidants (O₃), carbon monoxide, and lead--the primary pollutants for which there are national standards. However, the state also has standards covering hydrogen

sulfide (H₂S), which can emanate from oil and gas production facilities. Water quality standards include bacteriological, radiological, and inorganic/organic chemical parameters.

For both air and water quality programs, the state rather than the federal government has "primacy" (primary regulatory authority); the Department of Health has the responsibility for these functions. The National Park Service must adhere to the state standards in all management and development activities. The state has no noise quality standards and no floodplain standards (local governments also have no floodplain standards).

The state of North Dakota has had complete criminal and civil jurisdiction over the park. Until recently, the Park Service had only proprietary jurisdiction, and the park staff has had to call outside authorities on all violations other than those cited in the Code of Federal Regulations. Recently though, the state granted the park concurrent criminal jurisdiction on lands within the park.

The park has complete jurisdiction over all wildlife (and all nonwildlife animals) within the park. However, all wildlife except the buffalo, wild horses, and longhorn steers become the responsibility of the state if they leave the park.

Many of these federal and state laws and regulations do in fact provide protection for certain park resources. Nevertheless, these regulations should be viewed as supplemental in comparison with the protection afforded by either full ownership of land and minerals, by acquisition of an interest in private lands, or by following the guidelines and recommendations set forth in this land protection plan. Therefore, although it is encouraged that all existing federal and state regulations be properly enforced, their application will complement and not replace the need for federal land acquisition or plan-directed management of nonfederal properties within the park.

LOCAL REGULATIONS

Local zoning limits the density, type, location, and character of private development and can sometimes effectively control development without federal acquisition of lands or an interest in lands. Local zoning can support NPS management objectives when allowable economic uses of the land are compatible with protection requirements. Zoning does not, however, ensure permanent resource protection because it may be changed or variances may be granted. Also, zoning does not ensure that the public use and development needs of the National Park Service will be met.

McKenzie County has no zoning authority or other countywide land use controls that would apply to the north unit of the park.

Billings County maintains the authority to zone and control development and land use of all unincorporated areas of the county. The zoning resolution was adopted by the Board of County Commissioners in November 1974. Generally, the zoning regulates the location, size, height, and use of structures; area and dimension of lots and yards; use of lands; size and placement of outdoor advertising signs and parking facilities; development and design of junkyards, airports, mobile home camps, mining operations, and other high-impact facilities; allowance of variances; and issuance of permits. Zoning also provides for designating portions of the county as agricultural, residential, commercial, or industrial and manufacturing districts.

The south and Elkhorn units, the portions of the park within Billings County, are both zoned as agricultural. The only private lands within the park in the county are the two Sickler tracts. Since these tracts have never been developed, there has been no occasion to implement these regulations.

County zoning ordinances are not expected to provide more than minimal complementary protection to the implementation of land protection measures, including compatible/incompatible use standards for the private lands within the park. First, the private lands within the north unit, the protection of which could definitely be enhanced through adoption and enforcement of county zoning controls, are all within McKenzie County, which has no zoning or similar land use controls of any kind. Second, the only private tracts within the park in Billings County, where there are zoning regulations, are the undeveloped, inaccessible Sickler tracts. As explained in more detail in the tract summaries in appendix D, any development of these two tracts would be incompatible with the requirements for protecting park resources, including wildlife management and the visual scene from I-94 within this section of undisturbed badlands environment. The Billings County zoning ordinance would not prohibit development of the tracts, only control the type, extent, and placement of such development.

The city of Medora has a zoning ordinance designed to ensure the harmonious development of the town, to preserve those buildings and areas that possess historical or aesthetic significance, and to discourage alterations to existing structures or construction of new structures that would detract from the aesthetic qualities found within the historic district. The "City of Medora Historical Integrity Zoning Ordinance," prepared by the Roosevelt-Custer Regional Council and adopted by the city in April 1983, provides for review and approval of proposals by the city council or through a public hearing process and prescribes penalties for violations.

The boundaries of the historic district, which extend outside the city's boundaries, encompass the headquarters area for Theodore Roosevelt National Park and about a half-section of park and Forest Service land north and northeast of Medora.

The Medora zoning ordinance could provide some protection to complement existing NPS authority to protect the headquarters area within the city of Medora. While the Park Service owns all of the surface of this area in fee, approximately 10 acres involve privately owned mineral rights (see Mineral Status Map 02). Mineral ownerships appear to underlie several significant NPS structures, as well as portions of roads, parking areas, and landscaped areas. This zoning ordinance might well be employed to prohibit or discourage any attempts to directionally drill to or otherwise remove oil and gas under the headquarters area. The concern is that this could involve erecting equipment or establishing other incompatible uses on private lands just outside of but within clear view of NPS areas and facilities. Potential use of the Medora ordinance is aided by the fact that jurisdiction of the historic district extends more than ½ mile beyond the limits of the town. This ordinance should be complementary to the Billings County zoning ordinance described earlier.

OTHER PROTECTION METHODS CONSIDERED

Cooperative Agreements/Memoranda of Understanding

Cooperative agreements and memoranda of understanding are documents that define administrative arrangements between two or more parties. For Theodore Roosevelt National Park, agreements could be negotiated between the National Park Service and Billings and McKenzie counties, the state of North Dakota, the U.S. Forest Service, and the Bureau of Land Management, as well as other government units or private parties. Cooperative agreements should not be considered as protection alternatives for privately owned land unless specifically authorized by the enabling legislation. The terms of cooperative agreements could apply to a specific parcel or areas within or adjacent to the park and address land use activities, a specific use or underground transmission facility that must cross a park area, levels of development, or resource protection. These agreements would contain any necessary restrictive provisions and identify the entity responsible for enforcement. Cooperative agreements are most applicable to shared planning and maintenance of visitor facilities and services, establishment of law enforcement and other jurisdictions, and cooperation in the management of cultural resources and wildlife habitat. Cooperative agreements do have limitations. They are not legally enforceable, cannot be used to exercise control over a nonsigning third party, and can be cancelled.

Cooperative agreements as a park land protection technique could be used most effectively in the following ways:

cooperative land use planning and zoning assistance to Billings and McKenzie counties for private lands adjacent to the park

agreement with the state of North Dakota that it will not permit any mineral development beneath the bed of the Little Missouri River within the north and south units and adjacent to the Elkhorn unit,

should there be a final court decision that the state owns the riverbed (also see issues and concerns for land protection in the "Purpose and Need for the Plan" section)

cooperative planning and agreement with the State Historical Society regarding viewshed protection and visitor access and use of historical society lands adjacent to the Elkhorn ranch site (see Elkhorn Unit DCP map)

agreement and planning with the State Historical Society or a private land trust regarding acquisition of scenic easements for private lands east of the Elkhorn ranch site (see Elkhorn Unit DCP maps)

agreements (or quitclaim deed) by Billings County that there will be no exercise of rights regarding the county's apparent 50 percent ownership of two mineral rights tracts within the north-central part of the south unit (see South Unit Mineral Status map)

cooperative planning and/or agreements with the Forest Service and Bureau of Land Management to limit oil and gas leasing or to include environmental protection stipulations for leases that are granted near park boundaries, to otherwise protect significant cultural and natural resources (including wildlife habitat, scenic views, and wilderness values), and to provide complementary recreational opportunities or access.

Types of Acquisition

When all interest in a property is acquired, it is owned in fee simple. NPS acquisition of land in fee, in most instances, provides the maximum protection of land and its resources and often provides the greatest opportunity for visitor use. Fee acquisition is appropriate in those instances where maximum protection of resource values is necessary, the area is desired for public use, or an investment of federal funds requires full acquisition before capital improvements, such as needed visitor or administrative facilities, can be developed. Therefore, fee acquisition of several tracts in the park is appropriate to provide for visitor use and development or to meet resource protection objectives.

The National Park Service may acquire a property but grant the previous owner the right to use and occupy the property under a life or term estate. This strategy provides for eventual public use and ownership with some dollar savings to the federal government, since the value of the retained estate is subtracted from the purchase price. There do not appear to be any situations within the park in which granting a life or term estate would be practical.

Acquisition of mineral (subsurface) rights does not involve transfer of fee simple ownership, unless the minerals are acquired with the surface, which is the best strategy whenever possible. The mineral rights can be acquired in total, although in some cases that would involve acquiring the

rights from multiple owners who possess different percentages of interests, as well as different types of minerals--e.g., all fluid minerals, coal resources, or possibly all minerals except coal (see Mineral Status maps in text and tabular lists in appendix E). There are privately owned minerals and leases within all three units of the park. Except for the complication of multiple ownership, the steps that must be taken for minerals acquisition are similar to land acquisition, and both should be used as a principal strategy in protecting park resources.

An easement is a legally enforceable interest in land created by a transfer of certain property rights. Property ownership may be envisioned as a bundle of rights, including among others the rights to graze livestock, to cut trees, to construct facilities, and to exclude others from the property. Easement rights can be characterized as positive (allowing a use) or negative (restricting a use). For example, the National Park Service could acquire a positive easement to ensure public access across a property or a negative easement to restrict the owner's right to establish a commercial recreation business, develop structures, or subdivide the property. To provide the proper levels of land protection, the terms and stipulations of easements must reflect the type of land involved and the specific level of protection required.

Whether to purchase a property in fee or to acquire an easement depends on several factors, including resource values and objectives, visitor use needs, the willingness of the owner to sell or donate an easement, and the appraised value of the property in fee compared to the appraised value of an easement. The major consideration should be to acquire the interest needed to achieve park unit purposes. Within the park, easements could best be used to protect scenic views in the north unit east of US 85. The two tracts in the south unit are not suitable for scenic easements as they are part of an undeveloped area of scenic badlands, and no private or commercial use of the properties would be acceptable.

Methods of Acquisition

Opportunity Purchase. Based on national priorities, monies can be appropriated by Congress from the Land and Water Conservation Fund to purchase land or mineral rights for parks and other federal resource areas, or Congress can appropriate special monies to achieve certain purposes, including acquisition. Funds can also be donated to the Park Service to purchase fee or less-than-fee interest in private properties within the park.

All purchase negotiations are based on an appraisal of the fair market value. If the landowner is interested in selling and the Park Service has indicated an interest in acquiring the property, the Park Service will have the property appraised--usually by a private real estate appraiser. The landowner is encouraged to accompany the appraiser during the inspection to point out any features of the property that should be considered in making the appraisal.

The offer price is based on the appraisal. The appraisal is a professional estimate of fair market value, which is the price that an owner could reasonably expect to receive if the property sold on the open market. The offer price must, by law, not be less than the approved appraised value.

Private Trust Purchase. Private nonprofit trusts can protect park values by acquiring minerals, or fee, or less-than-fee interest in land by purchase or donation. The trust can then either hold title to the land or donate, bargain sell, or conventionally sell the land to the Park Service. The private ranching area immediate east of the Elkhorn ranch site (east of the river) may be particularly well suited for trust involvement (see Elkhorn Unit DCP and Elkhorn Unit Mineral Interests maps). Use of scenic or agricultural easements would be most appropriate. Private trusts can also assist in third party land exchanges in which land purchases are needed outside the authorized boundary of the park.

Donations and Bargain Sales. Donations and bargain sales are methods of acquiring land, mineral rights, or interests in land at less than full market value. Landowners can receive tax advantages by donating the full or partial value of their land to the Park Service or to eligible nonprofit organizations. Landowners should consult a qualified tax advisor for details. A bargain sale is a sale of property to a qualifying organization or government agency at a price that is less than its fair market value. The result is part sale and part charitable contribution.

Exchange. Land exchange transactions involving multiple party exchanges are usually complex but possible. If the Bureau of Land Management was willing to participate in a land exchange and could identify one or more tracts of isolated public domain that could be exchanged for private land within the park, the park property could be transferred to federal ownership. The Forest Service (U.S. Department of Agriculture) would be more likely to have such land in the vicinity of the park and might be agreeable to such an exchange; however, the park does not have the authority required to participate in a land exchange involving another federal department. (Special congressional authority would be required.)

Condemnation. Condemnation proceedings are regarded by the Park Service as a last resort and are used only when property that must be acquired cannot be obtained in any other way. Condemnations initiated by the filing of a complaint only (not a declaration of taking) are used in most cases in which the private owner and the federal government cannot reach a price agreement. In these situations, title to the land does not pass to the government until a court or jury has determined just compensation and this amount has been paid to the owner. This method may also be used to clear land titles and when owners are unknown or cannot be located.

The Congress has also provided for the use of a declaration of taking, another form of condemnation, which vests property in the United States immediately upon filing papers in the court and depositing an estimate of

just compensation. Declarations of taking are typically used where title to the property must be vested in the United States immediately in order to prevent resource damage. At present, congressional committee approval is required to take this action. This method may also be used to clear title to land after a negotiated settlement.

Condemnation powers would be used in those cases in which all other efforts to maintain resource protection prove unsuccessful.

RECOMMENDATIONS

IN-PARK RECOMMENDATIONS

The major land protection issues were discussed previously in the "Purpose and Need for the Plan" section. The major in-park concerns, which all relate to the more specific recommendations described below, include protection of resources on private holdings, extent of private lands or interests in lands that must be acquired, and drainage of federal oil and gas to areas outside the park.

Priorities

This section describes acquisition criteria and lists all private surface tracts within the park in priority order of acquisition. Acquisition priority criteria are also shown for subsurface rights based on the type and location of the rights. These acquisition priorities may be adjusted as this plan is revised. There may be emergency or hardship situations that would also have to be considered regardless of priority. These priorities might also have to be adjusted because of changes in the availability of properties for opportunity purchase, donation, or exchange, or the surfacing of any proposed plans to develop or use the properties in adverse and incompatible ways.

Surface Properties. The evaluation of the priorities of nonfederal surface properties within the park and their relationship to park protection and each other was based on the following descending order criteria:

Tracts are in areas of visual sensitivity and/or high resource significance, requiring substantial protection. Also, conflicts exist or could develop with existing visitor contact or administrative facilities, and tracts will be needed for proposed visitor use and development. Fee acquisition is essential.

Tracts are in areas of visual sensitivity and/or high resource significance, requiring substantial protection. Fee acquisition is needed.

Tracts are in an area where the visual scene requires protection from inappropriate or excessive development, and an interest in the land will be needed. However, federal ownership is not essential, and no fee acquisition is proposed.

The priority order of acquisition of the specific private surface tracts within the park is listed below. (See Land Status maps for tract locations; also see appendix D for more detail on individual tracts.) These priorities are a guideline and subject to change based on changing circumstances.

- Priority 1 North unit tract 01-121 west of US 85
- Priority 2 North unit tract 01-118 west of US 85
 North unit tract 01-120 west of US 85
 South unit tract 03-106
 South unit tract 03-108
- Priority 3 Scenic easement (or fee) acquisition:
 North unit tract 01-121 east of US 85
 North unit tract 01-118 east of US 85
 North unit tract 01-119
 North unit tract 01-120 east of US 85
 North unit tract 01-122
 North unit tract 01-123

Subsurface Ownerships. The evaluation of the priorities of private subsurface ownerships (mineral rights) within the park required to meet park protection needs was based on the following descending order criteria. Also, refer to Mineral Status maps and to nonfederal subsurface ownerships listed in appendix E for more specific information on mineral rights, including leases. This latter list includes the acquisition priority for each mineral ownership or group of ownerships. All mineral interests are proposed for acquisition, except for those east of US 85 in the north unit (see note in last criterion below) and mineral leases (unless damage to park resources would likely result). The term tract as used below refers to specific subsurface areas that can be located on a map and described by acreage. Many tracts involve multiple ownerships. Priorities are as follows:

1. Subsurface ownerships underlying NPS facilities and other improvements (all tracts in the Medora area).
2. Subsurface ownerships underlying surface tracts proposed for fee acquisition (four subsurface tracts in the north unit and four subsurface tracts in the south unit).
3. Subsurface ownerships wholly within the park boundary underlying important park resources, including wilderness, and for which it would be extremely difficult or environmentally undesirable to use directional drilling techniques to access oil and gas resources (two tracts in the north unit, one tract in the Elkhorn unit, and two or more tracts in the south unit).
4. All other subsurface ownerships also underlying important park resources but which could be directionally drilled (three or four tracts in the north unit and a number of such tracts in the south unit).
5. All subsurface ownerships underlying the private lands in the area to the east of US 85 in the north unit (all of this area except

DATE	REVISIONS	BY	ESTABLISHED: APRIL 25, 1947	DATE	BY
APRIL 25, 1947			BOUNDARY CHANGE: NOVEMBER 10, 1978	DATE	BY
			DATE: JUNE 1974		
			MAAPPED BY		
			DENVER SERVICE CENTER, COLORADO		

FIFTH PRINCIPAL MERIDIAN

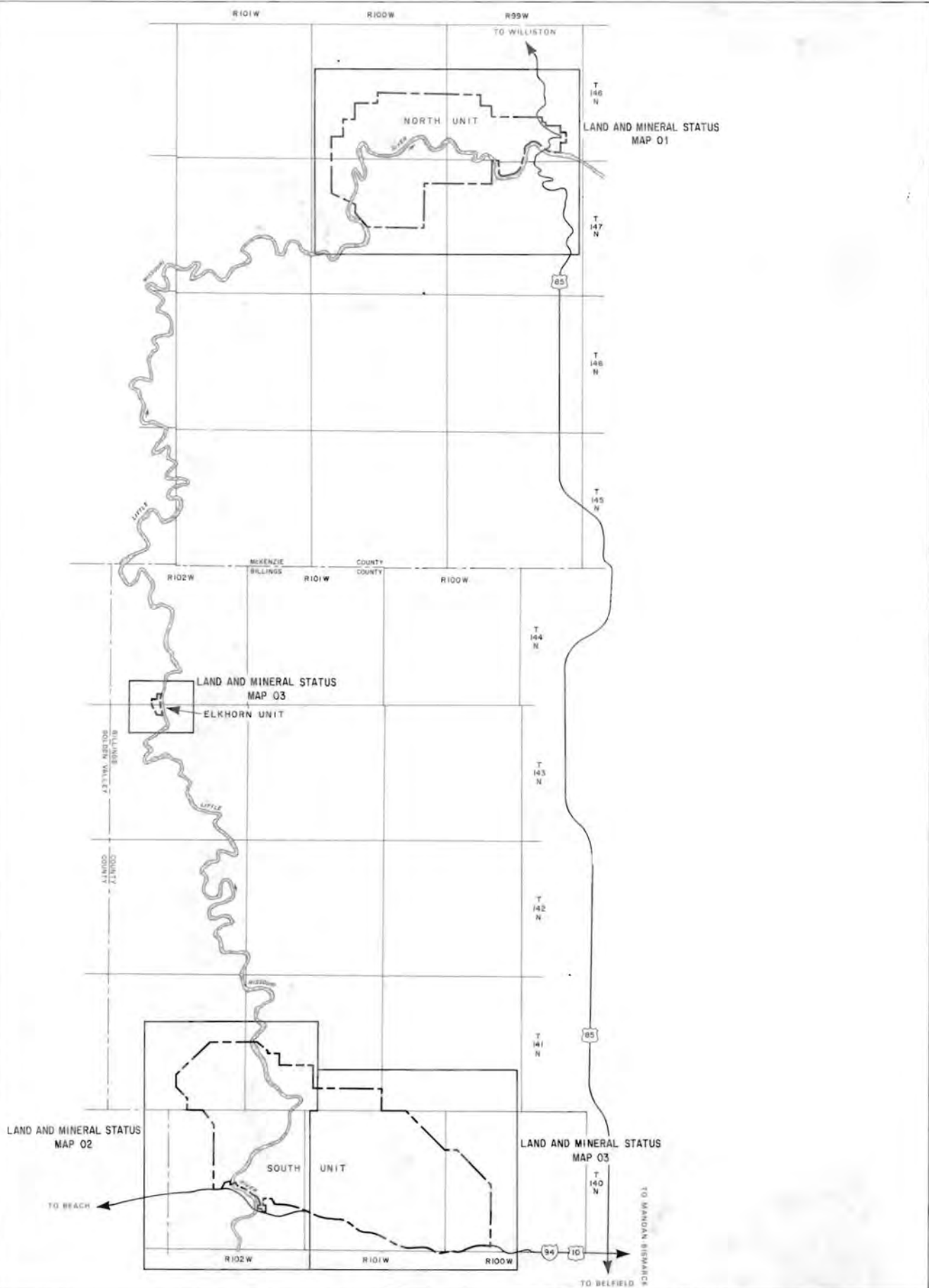


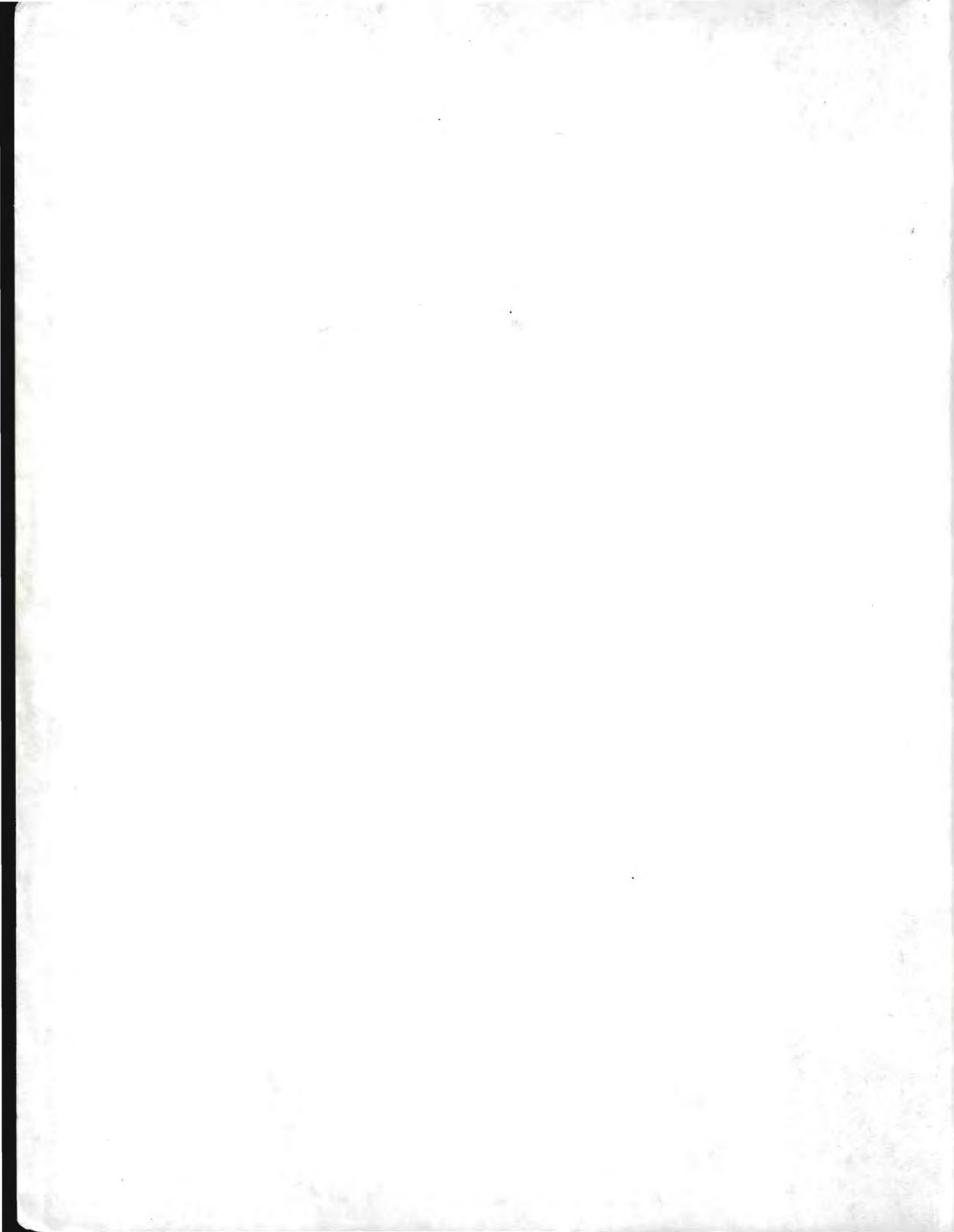
LAND AND MINERAL STATUS MAP INDEX

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
DIVISION OF LAND ACQUISITION

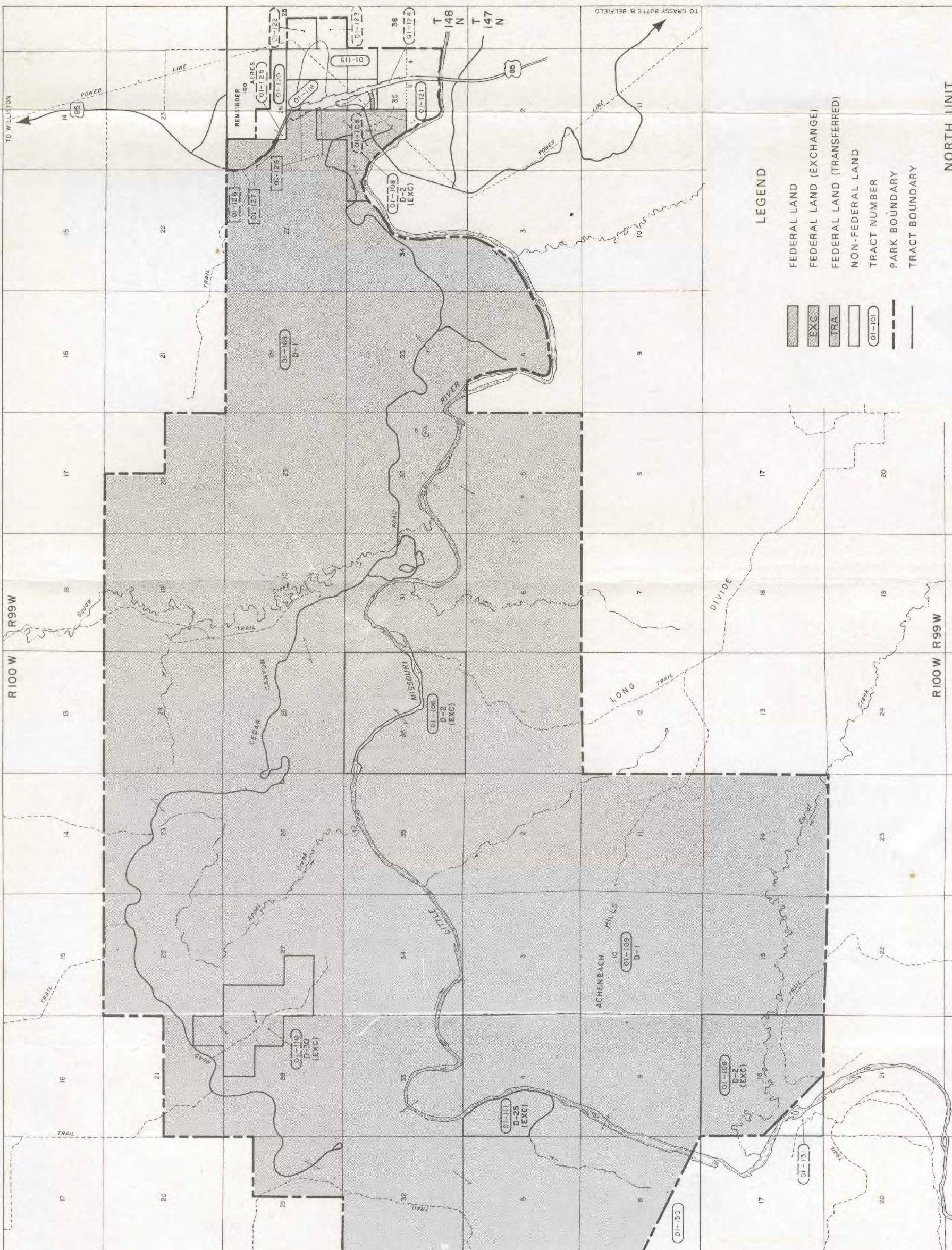
DATE: 11/14/78
DRAWING NO: 88-003-A
SHEET 1 OF 4

THEODORE ROOSEVELT
NATIONAL PARK
BILLINGS & MCKENZIE COUNTIES
NORTH DAKOTA





DEED	TRACT	OWNER	ACRES	INT
	01-101	DELETED		
	01-102	DELETED		
	01-103	DELETED		
	01-104	DELETED		
	01-105	DELETED		
	01-106	NORTH DAKOTA STATE OF	3.54	FEE
PUR D-33	01-107	DELETED		
EXC D-2	01-108	NORTH DAKOTA STATE OF	1,347.37	FEE
WIT D-1	01-109	NORTH DAKOTA STATE OF	21,890.03	FEE
EXC D-30	01-110	PUBLIC DOMAIN	320.00	FEE
EXC D-25	01-111	MONSEN	145.13	FEE
	01-112	DELETED		
	01-113	DELETED		
	01-114	DELETED		
	01-115	DELETED		
	01-116	DELETED		
	01-117	DELETED		
	01-118	STENHJEM, et ux	90.52	FEE
	01-119	McCLOSKEY	120.00	FEE
	01-120	STUTRUD	70.36	FEE
	01-121	WRIGHT, et al	153.09	FEE
	01-122	STUTRUD	40.00	FEE
	01-123	STUTRUD	40.00	FEE
	01-124	NORTH DAKOTA STATE OF	40.60	FEE
DIS/OTH-41	01-125	NORTH DAKOTA STATE OF	40.60	FEE
DIS/OTH-41	01-126	NORTH DAKOTA STATE OF	9.64	FEE
DIS/OTH-41	01-127	TO: STATE, NORTH DAKOTA	(6.77) EASE	
DIS/OTH-41	01-128	TO: STATE, NORTH DAKOTA	(3.08) EASE	
DIS/OTH-41	01-129	TO: STATE, NORTH DAKOTA	(5.31) EASE	
DIS/OTH-14	01-130	DELETED		
DIS/OTH-14	01-131	TO: DEPT. of AGRICULTURE	153.04	FEE
		TO: DEPT. of AGRICULTURE	46.92	FEE



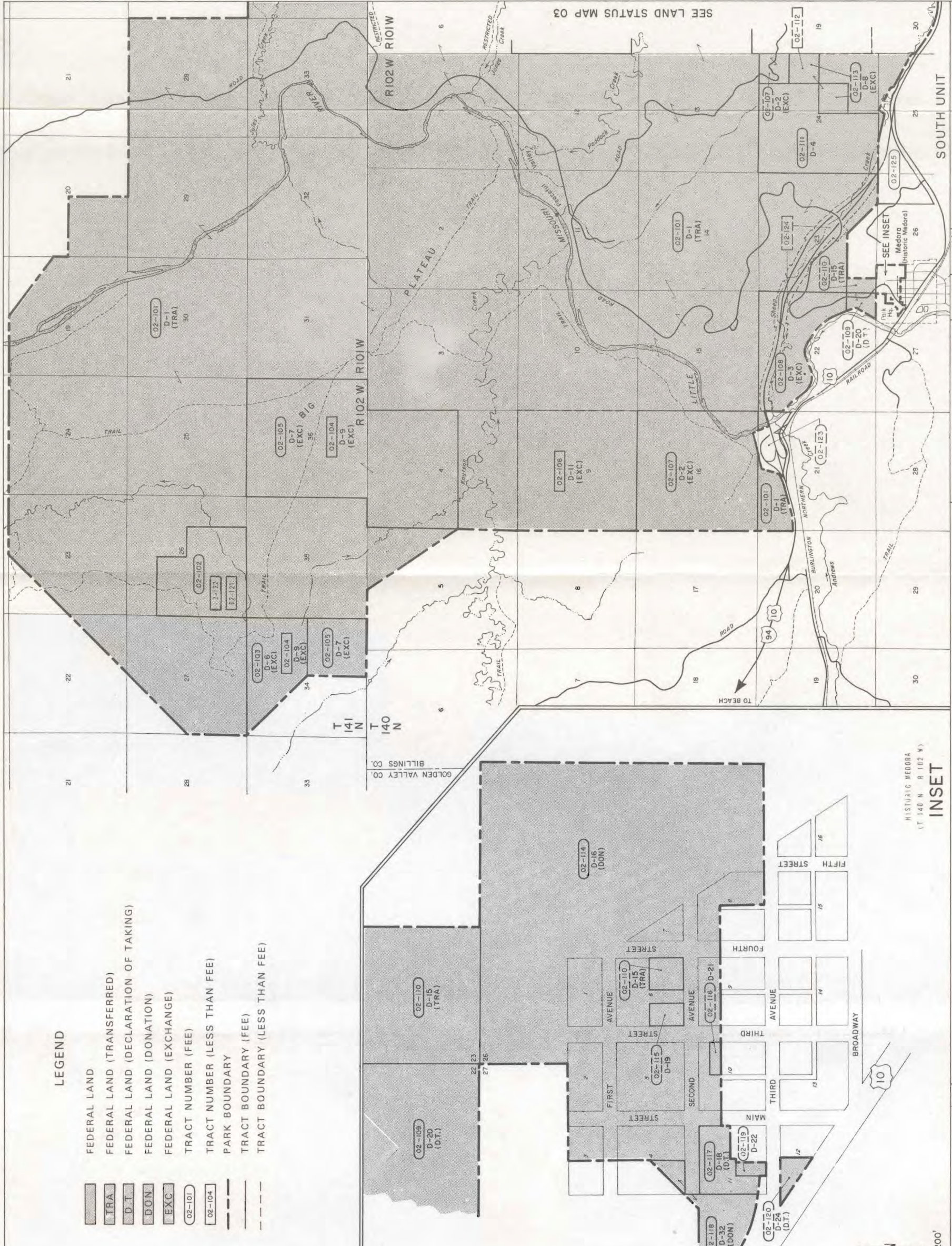
LEGEND

- █ FEDERAL LAND
- █ EXC FEDERAL LAND (EXCHANGE)
- █ TRA FEDERAL LAND (TRANSFERRED)
- █ NON-FEDERAL LAND
- TRACT NUMBER
- PARK BOUNDARY
- TRACT BOUNDARY

UNITED STATES DEPARTMENT OF THE INTERIOR NATIONAL PARK SERVICE DIVISION OF LAND ACQUISITION		DN BY: JRM CK BY: JRM APPR BY: R.P.C./14/74 REGION: ROCKY MTN. DRAWING NO: 387 92,003	
LAND STATUS MAP 01		NORTH UNIT THEODORE ROOSEVELT NATIONAL PARK MCKENZIE COUNTY NORTH DAKOTA	
ESTABLISHED: APRIL 25, 1947 BOUNDARY CHANGE: NOVEMBER 10, 1978 DATE: JUNE 1974 MAPPED BY: DENVER SERVICE CENTER, COLORADO		FIFTH PRINCIPAL MERIDIAN Scale in Feet 0 2000 4000 6000 8000	
VISION:	DATE:	REVISION:	SHEET 2 OF 4

LEGEND

- FEDERAL LAND
- FEDERAL LAND (TRANSFERRED)
- FEDERAL LAND (DECLARATION OF TAKING)
- FEDERAL LAND (DONATION)
- FEDERAL LAND (EXCHANGE)
- TRACT NUMBER (FEE)
- TRACT NUMBER (LESS THAN FEE)
- PARK BOUNDARY
- TRACT BOUNDARY (FEE)
- TRACT BOUNDARY (LESS THAN FEE)



DEED	TRACT	OWNER	ACRES	INT.
MIT D-1	02-101	PUBLIC DOMAIN	37,255.64	FEE
EXC D-5	02-102	MYERS	320.00	FEE
EXC D-6	02-103	NORTH DAKOTA, STATE OF	520.00	FEE
EXC D-7	02-104	NORTH DAKOTA, STATE OF	7,322.46	MIN
EXC D-8	02-105	NORTH DAKOTA, STATE OF	2,842.46	FEE
EXC D-9	02-106	NORTHWESTERN IMPROVEMENT	4,706.19	MIN
EXC D-10	02-107	NORTH DAKOTA, STATE OF	680.00	FEE
EXC D-11	02-108	CHASE	313.00	FEE
EXC D-12	02-109	RED TRAIL COAL CO	27.00	FEE
EXC D-13	02-110	FOREST SERVICE	18.66	FEE
EXC D-14	02-111	COOPER	400.00	FEE
EXC D-15	02-112	NATURAL HIST. ASSOC.	40.00	MIN
EXC D-16	02-113	COOPER	40.00	FEE
EXC D-17	02-114	KALLAMROSSA	40.00	FEE
EXC D-18	02-115	KUMMEL et al	0.27	FEE
EXC D-19	02-116	NOYES	0.16	FEE
EXC D-20	02-117	GRON	1.04	FEE
EXC D-21	02-118	NORTH DAKOTA, STATE OF	2.18	FEE
EXC D-22	02-119	SPURGEON	0.17	FEE
EXC D-23	02-120	HINMEL	0.40	FEE
EXC D-24	02-121	SPURGEON	(320.00) MIN	FEE
EXC D-25	02-122	BILLINGS COUNTY	(320.00) MIN	FEE
EXC D-26	02-123	TO: DEPT. of AGRICULTURE	79.35	FEE
EXC D-27	02-124	TO: STATE of NO. DAK.	0.00	ROW
EXC D-28	02-125	TO: DEPT. of AGRICULTURE	137.21	FEE

ESTABLISHED: APRIL 25, 1947
 BOUNDARY CHANGE: NOVEMBER 10, 1978
 DATE: JUNE 1974
 MAPPED BY: DENVER SERVICE CENTER, COLORADO

UNITED STATES
 DEPARTMENT OF THE INTERIOR
 NATIONAL PARK SERVICE
 DIVISION OF LAND ACQUISITION

THEODORE ROOSEVELT
 NATIONAL PARK
 BILLINGS COUNTY
 NORTH DAKOTA

LAND STATUS MAP 02

SEE LAND STATUS MAP 03

INSET
 HISTORIC WAGON
 (T 140 N R 102 W)

Scale in Feet
 0 2000 4000 6000 8000

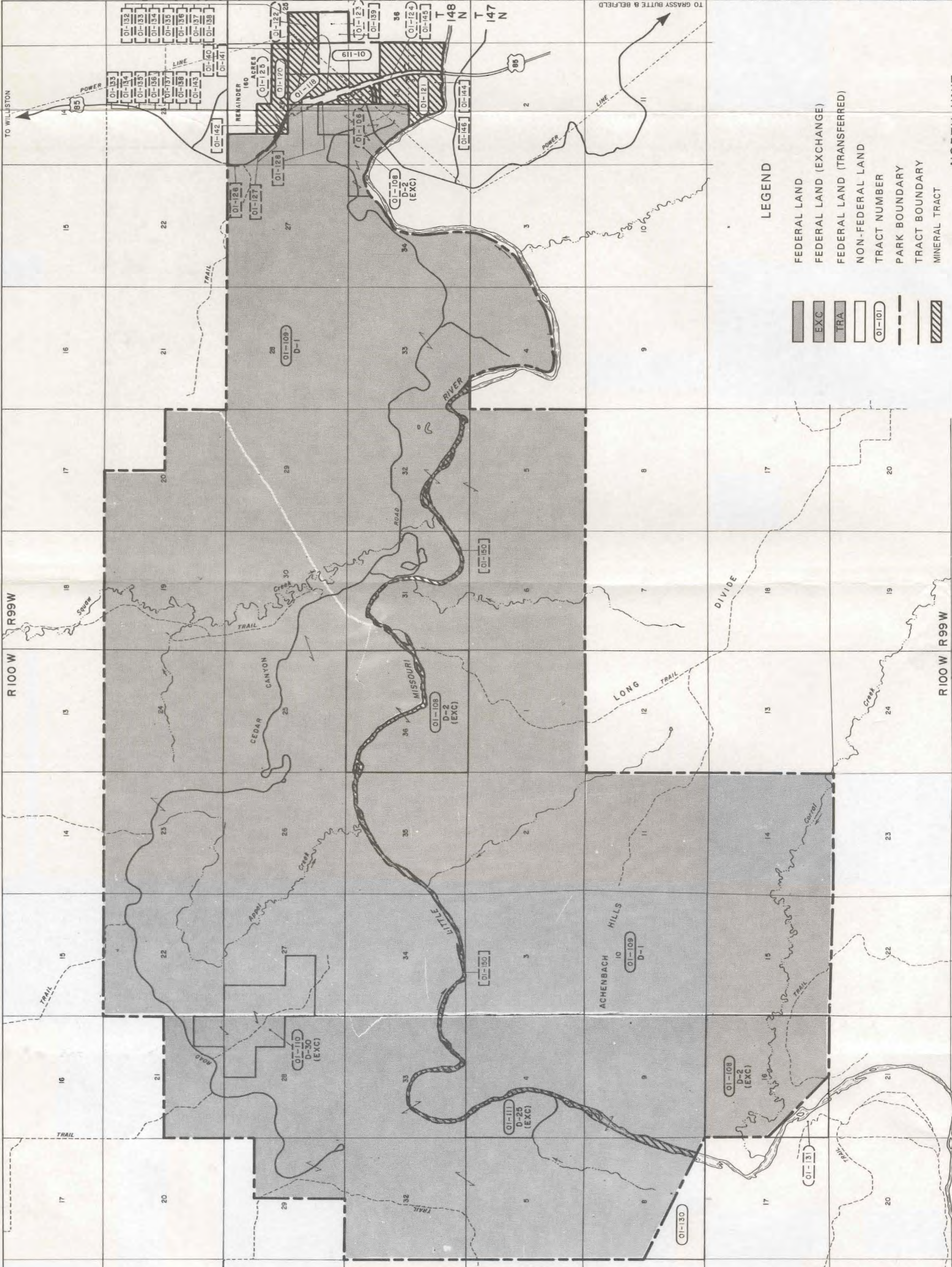
FIFTH PRINCIPAL MERIDIAN

REVISIONS

BY

DN.BY: JY CK.BY: JY
 APPR BY: R.P. 6/14/74
 REGION ROCKY MTN
 DRAWING NO. 387
 SHEET 3 OF 4

DEED	TRACT	OWNER	ACRES INT.
PUR D-33	01-101	DELETED	
	01-102	DELETED	
	01-103	DELETED	
	01-104	DELETED	
	01-105	DELETED	
	01-106	DELETED	
	01-107	DELETED	
	01-108	DELETED	
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	01-112	DELETED	
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	01-199	DELETED	
	01-200	DELETED	



UNITED STATES DEPARTMENT OF THE INTERIOR NATIONAL PARK SERVICE DIVISION OF LAND ACQUISITION DIVISION OF ENERGY, MINING & MINERALS MINERAL STATUS MAP 01		DN.BY: JLM CK.BY: JLM APPR. BY: R.P. 6/14/74 REGION: ROCKY MTN. DRAWING NO. 387 32.003-A SHEET 2 OF 4
ESTABLISHED: APRIL 25, 1947 BOUNDARY CHANGE: NOVEMBER 10, 1978 DATE: JUNE 1974 MAPPED BY: DENVER SERVICE CENTER, COLORADO		THEODORE ROOSEVELT NATIONAL PARK MCKENZIE COUNTY NORTH DAKOTA
FIFTH PRINCIPAL MERIDIAN Scale in Feet 0 2000 4000 6000 8000		NORTH UNIT
REVISIONS: DATE REVISIONS:		INTEREST ALL-ALL MINERALS EXCEPT A/C-ALL MINERALS EXCEPT COAL MINERALS FUELS MINERALS OBL-OIL AND GAS LEASE OBLE-OIL AND GAS LEASE OBLEA-OIL AND GAS LEASE APPLICATION
TRACT REGISTER KEY OWNER-LESSEE STR-SEE TITLE REPORT		NOTE: U.S.A. Reservations Of Patent And Acquired Oil, Gas And Mineral Interests Are Not Depicted.

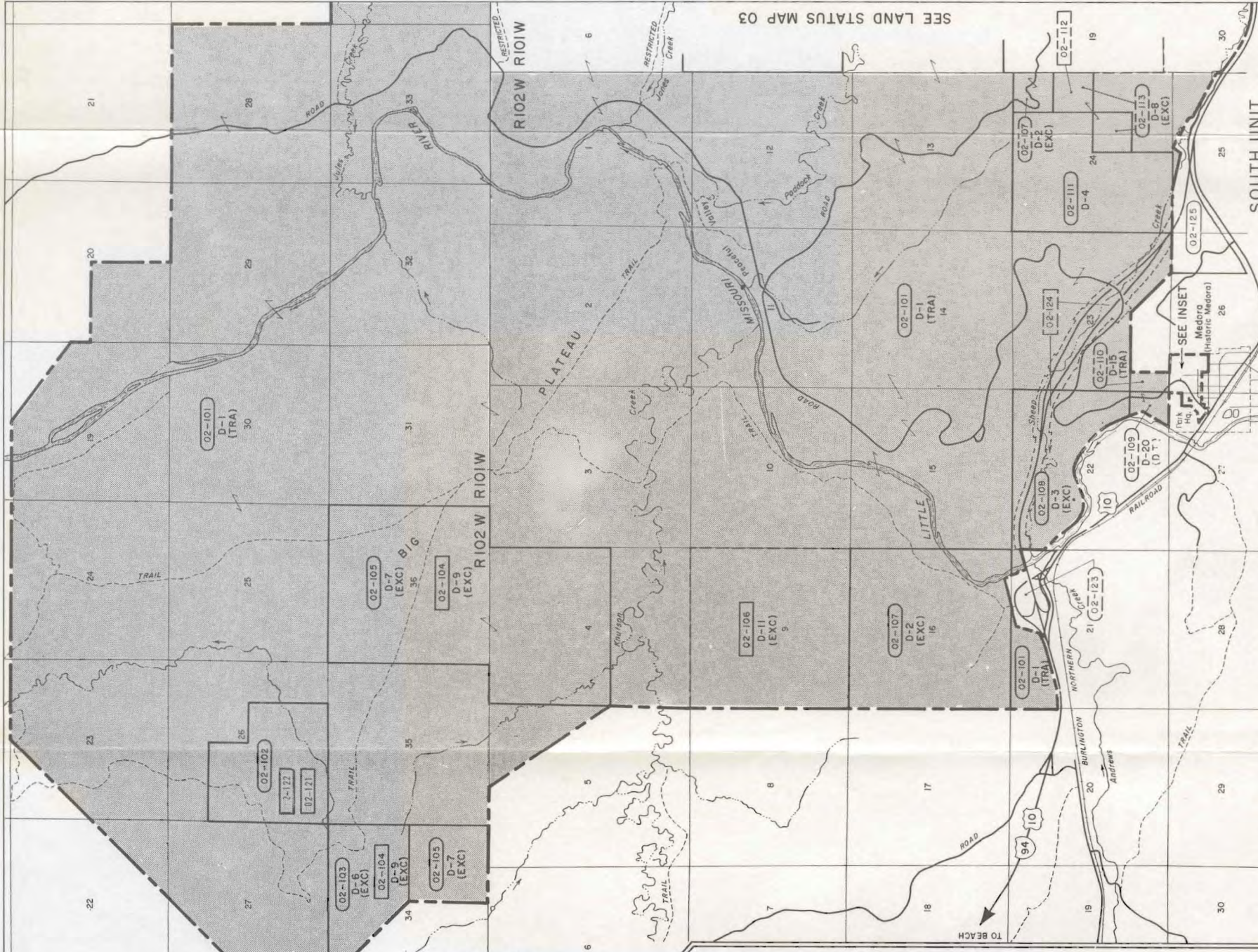
LEGEND

- FEDERAL LAND
- FEDERAL LAND (TRANSFERRED)
- FEDERAL LAND (DECLARATION OF TAKING)
- FEDERAL LAND (DONATION)
- FEDERAL LAND (EXCHANGE)
- TRACT NUMBER (FEE)
- TRACT NUMBER (LESS THAN FEE)
- PARK BOUNDARY
- TRACT BOUNDARY (FEE)
- TRACT BOUNDARY (LESS THAN FEE)
- MINERAL TRACT

DEED	TRACT	OWNER	ACRES	INT.
WIT D-1	02-101	PUBLIC DOMAIN	37,255.64	FEE
EXC D-5	02-102	MYERS	320.00	FEE
EXC D-5	02-103	NORTH DAKOTA, STATE OF	320.00	FEE
EXC D-5	02-104	NORTH DAKOTA, STATE OF	2,322.46	MIN
EXC D-1	02-105	NORTH DAKOTA, STATE OF	12,842.46	FEE
EXC D-2	02-106	NORTH DAKOTA, STATE OF	4,706.19	MIN
EXC D-3	02-107	NORTH DAKOTA, STATE OF	680.00	FEE
EXC D-3	02-108	CHASE	313.00	FEE
TRA D-15	02-109	BEED TRAIL COAL CO	18.66	FEE
EXC D-4	02-110	FOREST SERVICE	400.00	FEE
TRA D-36	02-111	T. R. NATURAL HIST. ASSOC.	(40.00)	MIN
PUR D-8	02-112	COPPER	80.00	FEE
PUR D-8	02-113	COPPER	40.30	FEE
PUR D-16	02-114	VALLAMBROSA	0.27	FEE
PUR D-16	02-115	NUKEL, et al	0.16	FEE
D.T. D-21	02-116	NOYES	1.04	FEE
D.T. D-16	02-117	GROW	2.18	FEE
USA D-22	02-118	NORTH DAKOTA, STATE OF	0.17	FEE
USA D-22	02-119	SPURGEON	0.40	FEE
USA D-22	02-120	HINKEL	(320.00)	MIN
USA D-22	02-121	SPURGEON	79.35	FEE
USA D-22	02-122	BILLINGS COUNTY	0.00	ROW
USA D-22	02-123	TO: DEPT. OF AGRICULTURE	137.2	FEE
USA D-22	02-124	TO: STATE OF N.D.	-	FEE
USA D-22	02-125	TO: DEPT. OF AGRICULTURE	-	FEE
USA D-22	02-126	TO: DEPT. OF AGRICULTURE	-	FEE
USA D-22	02-127	MERIDIAN LAND AND MINERAL	(9.23)	COAL
USA D-22	02-128	MILESTONE PETROLEUM, INC.	(9.23)	COAL
USA D-22	02-129	COASTAL OIL AND GAS CORP., et al.	(9.23)	7500%

TRACT REGISTER KEY
 INTEREST
 A/OGH - ALL MINERALS EXCEPT OIL, GAS AND HYDROCARBONS
 OGH - OIL, GAS AND HYDROCARBONS
 OGLE - OIL AND GAS LEASE

NOTE: U.S.A. Reservations of Patent And Acquired Oil, Gas And Mineral Interests Are Not Depicted.



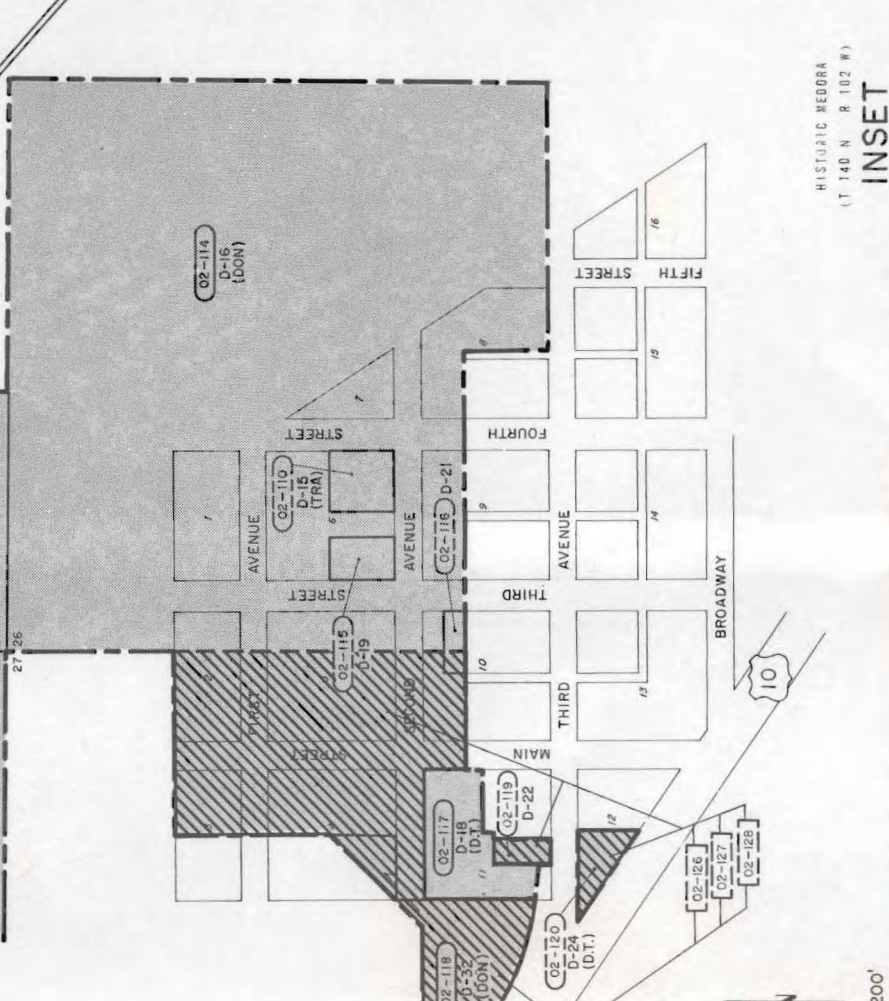
THEODORE ROOSEVELT NATIONAL PARK
 BILLINGS COUNTY
 NORTH DAKOTA

UNITED STATES
 DEPARTMENT OF THE INTERIOR
 NATIONAL PARK SERVICE
 DIVISION OF LAND ACQUISITION
 DIVISION OF ENERGY, MINING & MINERALS
 TITLE: MINERAL STATUS MAP 02
 SHEET 3 OF 4

APPROVED BY: [Signature]
 REGION ROCKY MOUNTAIN
 DRAWING NO. 387
 92-003-A

ESTABLISHED: APRIL 25, 1947
 BOUNDARY CHANGE: NOVEMBER 10, 1973
 DATE: JUNE 1974
 MAPPED BY: DENVER SERVICE CENTER, COLORADO

NO.	DATE	REVISIONS



INSET
 HISTORIC MEDORA
 (T 140 N R 102 W)
 Scale in Feet
 0 2000 4000 6000 8000

NORTH UNIT DISTRICT HEADQUARTERS

MINERAL INTERESTS

THEODORE ROOSEVELT NATIONAL PARK
NORTH DAKOTA




UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

387 | 20.026-A
JAN 86 | DSC



DISTRICT HEADQUARTERS Location



-  FEDERAL OWNERSHIP WITHOUT OIL/GAS LEASE
-  NONFEDERAL OWNERSHIP EXCEPT COAL WITHOUT OIL/GAS LEASE
-  PARK BOUNDARY

Mineral interests only shown within the park.

ELKHORN UNIT

MINERAL INTERESTS

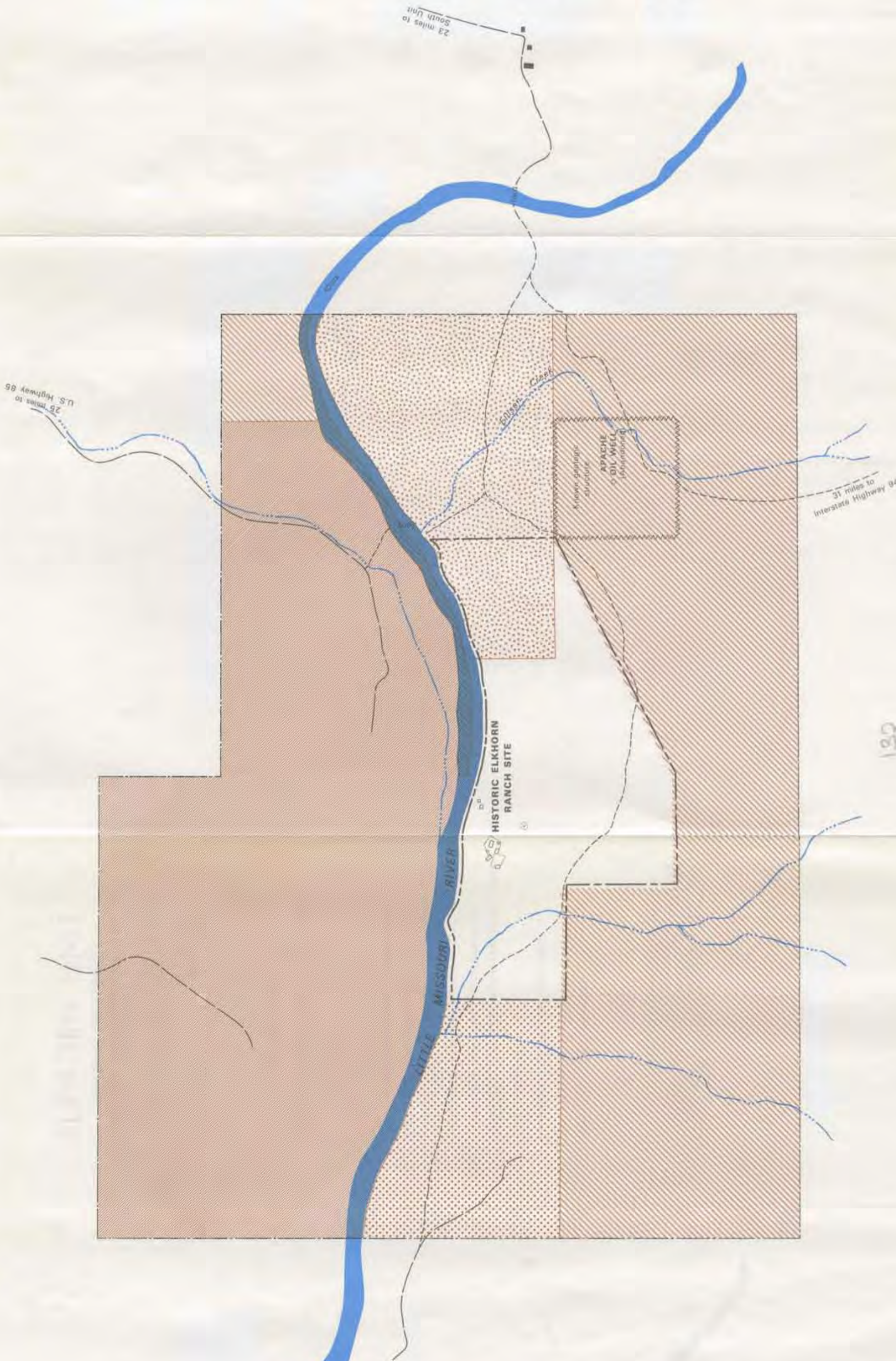
THEODORE ROOSEVELT NATIONAL PARK
NORTH DAKOTA
UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

387 | 20,023
JULY 86 | DSC



- FEDERAL OWNERSHIP WITHOUT OIL/GAS LEASE
- FEDERAL OWNERSHIP WITH OIL/GAS LEASE
- NONFEDERAL OWNERSHIP EXCEPT COAL WITHOUT OIL/GAS LEASE
- NONFEDERAL OWNERSHIP WITHOUT OIL/GAS LEASE
- NONFEDERAL OWNERSHIP WITH OIL/GAS LEASE
- NONFEDERAL OWNERSHIP WITH FEDERAL OIL/GAS LEASE (See note)
- PARK BOUNDARY
- PROPOSED RESOURCE PROTECTION ZONE
- UNPAVED MAINTAINED ROAD
- UNPAVED UNMAINTAINED ROAD

Mineral interests only shown within the park and proposed resource protection zone. The state of North Dakota issued oil and gas leases in the bed of the Little Missouri River. The federal government issued an oil and gas lease in this bed which overlaps a portion of one of the state leases. A recent court case determined that the state owned the riverbed. It has been appealed.

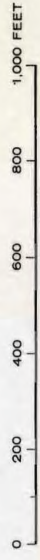


SOUTH UNIT PAINTED CANYON

MINERAL INTERESTS

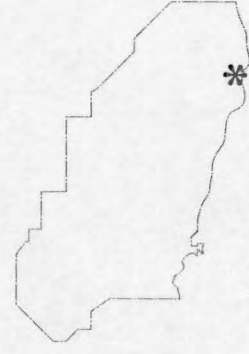
THEODORE ROOSEVELT NATIONAL PARK
NORTH DAKOTA
UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

387 20.025-A
JAN 86 DSC

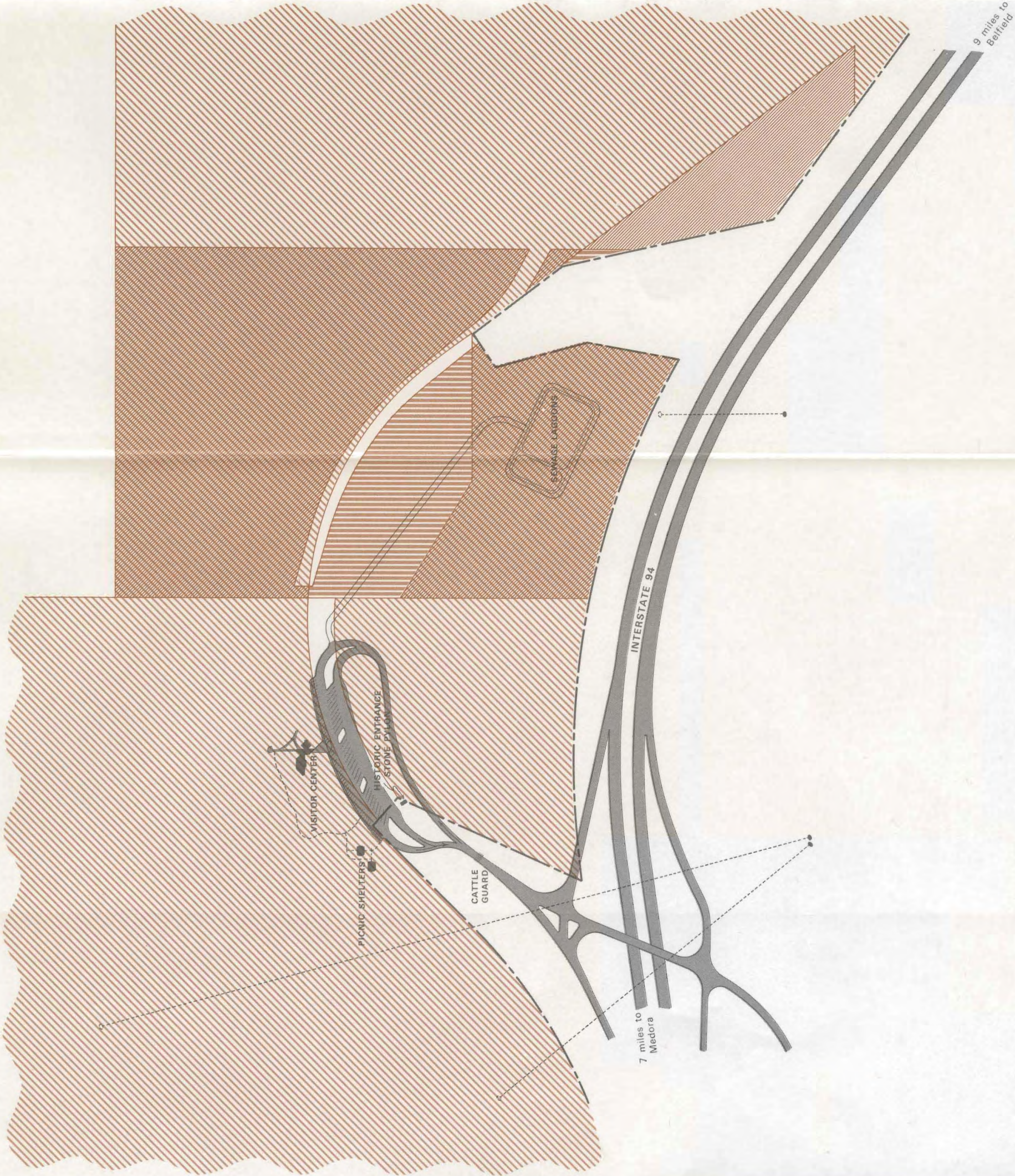


- FEDERAL OWNERSHIP WITHOUT OIL/GAS LEASE
- FEDERAL OWNERSHIP WITH OIL/GAS LEASE
- FEDERAL AND NONFEDERAL OWNERSHIP AND OIL/GAS LEASES
- PARTIAL FEDERAL OWNERSHIP WITH NONFEDERAL OIL/GAS LEASE
- NONFEDERAL OWNERSHIP WITH OIL/GAS LEASE
- WELL (Directionally drilled)
- PARK BOUNDARY

Mineral interests only shown within the park.
All partial federal ownership is 25%.



PAINTED CANYON Location







133

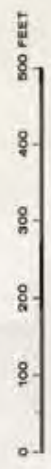
SOUTH UNIT MEDORA HEADQUARTERS

MINERAL INTERESTS
THEODORE ROOSEVELT NATIONAL PARK
NORTH DAKOTA
UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

387 | 20,024-A
JAN 86 | DSC

-  FEDERAL OWNERSHIP WITHOUT OIL/GAS LEASE
-  NONFEDERAL OWNERSHIP WITH OIL/GAS LEASE
-  PARK BOUNDARY
-  MEDORA CITY LIMITS

Mineral interests only shown within the park.



MEDORA HEADQUARTERS Location

1 1/2 miles to
Highway 94 East

1314

If any nonfederal property within the park is subjected to any incompatible uses, all necessary authorities and actions will be employed to protect the resources involved. If necessary, the Park Service would attempt to acquire the property. As a last resort, condemnation would be considered. Landowners are encouraged to contact the park superintendent with any questions regarding possible incompatible land uses.

Incompatible uses of nonfederal land within the park are as follows:

1. Any subdivision of land
2. Any new single- or multiple-family residence not permitted by items 5 and 6 of the compatible use listing
3. Any commercial use
4. Any industrial use
5. Any mineral or rock exploration or extraction activity including, but not limited to, sand, gravel, limestone, and earth
6. Any surface exploration or extraction of oil and gas resources
7. Any commercial logging
8. Any conversion of existing rangeland to cropland
9. Any highly intensive agricultural uses such as a feedlot operations, stockyards, commercial sale barns, and significant overstocking/overgrazing
10. Any new access roads or a substantial upgrading of existing roads unless covered by specific agreement with the park superintendent
11. Any major alterations, including development of any water impoundment, which constitutes a major change in the appearance and topography of the site
12. Any installation of new television, radio, or satellite receiver or without prior approval of the superintendent

Recommended Protection of Surface and Subsurface Ownerships

Recommendations for acquisition of nonfederal lands in fee, as easements, and as nonfederal mineral rights are made so as to provide the degree of protection required for all areas within the park. The recommendations are presented below by summaries for surface and subsurface tracts and for each of the three units of the park.

Surface Tracts. With the information in the following paragraphs, recommend acquisitions can be identified on Land Status maps 01 and 03. Additional information is presented on the North Unit and South Unit General Development Plan/Flood Data maps and in table 8. Descriptions of these nonfederal tracts are found in appendix D.

In the north unit there are six privately owned tracts, all at the east end of the unit, with a total area of 513.97 acres. In addition, 50.24 acres are in highway right-of-way, owned in fee by the state of North Dakota. The portions of tract 01-118 (Stenehjem), tract 01-121 (Wright), and the small portion (2 acres) of tract 01-120 (Stutrud) west of US 85 are recommended for fee acquisition. All of the area to the east of US 85 within the park is recommended for scenic easement acquisition.

Total acreage proposed for fee acquisition: 125

Total acreage proposed for scenic easement acquisition: 389

Rationale: Public ownership in fee is necessary to allow for visitor use and visitor use development proposals for the area south of the north unit entrance to be implemented (see North Unit District Headquarters DCP map). Fee acquisition of the private lands west of US 85 is also necessary to provide protection for the attractive Little Missouri River shoreline here, the US 85 corridor, and the area adjacent to the north unit headquarters and entrance.

Continued private ownership of the lands east of US 85 is appropriate, as long as uses are restricted and the mostly pastoral nature of the area can be preserved. These tracts contain no important natural features or resources and are not needed for visitor purposes. The bank of the river to the east of the highway is more open and less attractive than the bank to the west of the highway. Scenic easements would be acquired to protect the visual scene from US 85 and the entrance area of the park and to preclude incompatible commercial and industrial activities.

In the south unit there are two separated private tracts, both owned by Norbert Sickler and bordering on the north right-of-way of I-94. These parcels are recommended for fee acquisition.

Total acreage proposed for fee acquisition: 176.3

Rationale: These two inaccessible parcels are a continuous part of a critical natural resource area of scenic badlands that are highly visible from I-94. There are no improvements or uses on these tracts, and other than passive uses, none would be acceptable and compatible with the preservation of the visual scene in a totally natural area. Therefore, scenic easements would not be practical. Access to these tracts was eliminated by the construction of I-94

Table 8: Surface Ownerships and Acquisition Recommendations

<u>Tract No.</u>	<u>Park Unit</u>	<u>Owner</u>	<u>Acreage</u>	<u>Interest or Protection Needed</u>	<u>Method of Protection</u>
01-118	North	Stenehjem, et ux	90.52	Fee - 28 acres Scenic easement - 62.5 acres	Acquisition
01-119	North	McCloskey	120.00	Scenic easement	Acquisition
01-120	North	Stutrud	70.36	Fee - 2 acres Scenic easement - 68.36 acres	Acquisition
01-121	North	Wright, et al. (Baye tract)	153.09	Fee - 95 acres Scenic easement - 58.1 acres	Acquisition
01-122	North	Stutrud	40.00	Scenic easement	Acquisition
01-123	North	Stutrud	40.00	Scenic easement	Acquisition
01-124	North	State of North Dakota	40.60	No interest	None (this is US 85 right-of-way)
01-125	North	State of North Dakota	9.64	No interest	None (same as above)
03-106	South	Sickler, et ux	149.00	Fee	Acquisition
03-108	South	Sickler, et ux	<u>27.30</u>	Fee	Acquisition
TOTAL			740.51	Fee - 301.30 acres Scenic Easements - 388.97 acres No Interest - 50.24 acres	

Looking south toward US 85 and the Little Missouri River in the north unit. The private land to the right (west) of the highway is recommended for fee acquisition, while the area to the left (east) is recommended for scenic easement acquisition.



Private tract 03-106 in the south unit. This inaccessible tract is in an area of undisturbed scenic badlands and borders I-94; it is recommended for fee acquisition by the National Park Service.



while the property was held by the previous owner. If access were permitted, it would require a road that would cross adjacent park land as well as this tract. This would damage sensitive natural resources and the visual scene.

Subsurface Tracts (Mineral Rights). Parkwide recommendations involving the issues of nonfederal minerals acquisition and management, federal mineral leasing, and drainage of federal minerals are described below.

Nonfederal Minerals: No exploration activity or mining that requires surface occupancy will be permitted within any part of the park. However, owner rights cannot be denied (explained below); thus, federal acquisition of the rights may be required. Toward that end, the Park Service should seek to acquire by purchase, exchange, donation, or as a last resort, condemnation, all nonfederal mineral interests within the park (with the exception of the area east of US 85 in the north unit) as funds permit and pressures for development of those interests increase. Proposals for such development should not be considered as a prerequisite for obtaining the necessary acquisition funds, however.

When the Park Service acquires the nonfederal subsurface rights, the rights may be encumbered by leases to other parties. When these leases expire, they cannot be renewed because title to the minerals is vested in the United States, and mineral resources within units of the national park system cannot be exploited. Acquisition of existing leases is proposed only if necessary to prevent mineral exploration or extraction that would result in adverse impacts on park resources. For more information on existing leases, refer to appendix E.

Two separated tracts involving about 145 acres in the north-central part of the south unit involve an apparent 50 percent ownership each by Billings County and the USA. Efforts should be made to work with the county to acquire, quiet title to, or otherwise establish NPS control over these apparently outstanding interests without cost to the federal government. Although this may or may not involve donation, for purposes of this plan, it is assumed that purchase will not be required.

In the event nonfederal owners seek to develop their mineral interests within the park, the Park Service will, in the case of oil and gas, apply the requirements of 36 CFR 9B that permit access and occupancy, if necessary, under a plan of operations that must be submitted to the NPS regional director through the park superintendent. If the nonfederal oil and gas owner still seeks to develop his or her minerals after the plan of operations has been reviewed, the Park Service should pursue the following actions:

An attempt should be made by the Park Service to acquire the nonfederal mineral rights involved. However, unless there are significant environmental concerns and a scenic easement has not been acquired, this recommendation will not apply to the area east of US 85 in the north unit. (The scenic easements proposed for this

area should include a provision that there be no mineral activity disturbance or occupancy of the surface area.)

If acquisition funds cannot be obtained or acquisition negotiations are unsuccessful, the Park Service will seek to persuade the owner to access the minerals via directional drilling from outside the park, if that is feasible. This would be done under appropriate environmental stipulations as provided by 36 CFR 9B.

If directional drilling from outside the park is infeasible and the owner of the rights proposes development through occupancy of park surface, the Park Service will seek to acquire the mineral interests involved.

Federal Minerals: There will be no additional leases issued for federal minerals, including oil and gas, within the park. Federal minerals within the park are not subject to disposal under federal mineral leasing laws.

In the event the Bureau of Land Management determines that drainage of federal oil and gas from within the park is being caused by activities of nonfederal parties outside the park, the Park Service will recommend to that agency implementation of its authority to negotiate agreements whereby the United States is compensated under 43 CFR 3100.2-1.

There are no means by which the Park Service can regulate the mineral activity for nonfederal minerals other than oil and gas. Various means of acquisition can be used by the Park Service if any form of surface development or occupancy is attempted or proposed within the park.

A summary of nonfederal mineral rights acreages by park unit, with appropriate recommendations, follows. These tracts are shown on the accompanying mineral status maps, and more detailed information on mineral ownerships and leases is found in appendix E.

North unit acreage proposed for acquisition (USA owns nearly all coal): 125

North unit acreage not proposed for acquisition: 362.75

Elkhorn unit acreage proposed for acquisition: 44.72

South unit acreage (all private except for coal in some cases) proposed for acquisition: approximately 666

South unit acreage, with USA a part-owner, proposed for acquisition: approximately 58

South unit acreage requiring title-quieting action because of apparent half-ownership of county (purchase by USA will probably not be required): 144.78 (2 separated tracts)

This scenic area, just north of I-94 in the south unit, is underlain with privately owned minerals.



Some of the NPS facilities and visitor attractions at Medora, including the Maltese Cross cabin, are underlain with privately owned mineral rights.



Total private or part-private minerals acreage proposed for purchase acquisition: approximately 894

Total private and other nonfederal minerals acreage not proposed for purchase acquisition: approximately 1,508 (includes 145 acres of tracts that appear to be half-owned by Billings County for which it is assumed that purchase by USA will not be required)

Rationale: The presence of the nonfederal mineral rights within the park could potentially complicate park management and result in possible adverse impacts on park resources. In the Medora area, major headquarters and visitor facilities could be affected. Thus, any oil and gas or other mineral development within the park would be totally incompatible with park purposes and could not be permitted. Conversely, while directional drilling from outside the boundary might be feasible in a number of places, it would result in a more subtle violation of park resources; additional development along the boundary line, including the boundary of designated wilderness; and additional air and auditory pollution easily detectable from within the park. Directional drilling from outside the park into privately owned lands and minerals east of US 85 in the north unit, however, would probably not be a significant concern.

In addition to nonfederally owned minerals within the park, there are four south unit tracts of federally owned land (totaling 41.631 acres) that have been leased to the Amerada-Hess Corporation for oil and gas development but that are not protected by inclusion of "no operational use of surface" clauses in the leases. This occurred because the leases were granted prior to these tracts being included in the park through a boundary adjustment involving the area between old US 10 and new I-94. Acquisition of the private leasehold interests is not recommended because these tracts are only small portions of the total leased area held by Amerada-Hess; the bulk of the area is outside the park boundary where the wellheads and related equipment for this area are located. In other words, the four tracts in question are a part of the area from which Amerada-Hess is already recovering oil and gas through directional drilling from south of I-94. Additional development from within the park would be unnecessary and unlikely.

In the past, the park has not had an approved plan that calls for a discouragement of directional drilling into subsurface park lands. However, the approach recommended here would require that private mineral interests be acquired for this approach to be fully implemented. It is believed these rights can be acquired over time for reasonable cost, while adequate payment can be obtained from private interests for the drainage of federal oil and gas to areas outside the park. The Energy, Mining and Minerals Division of the National Park Service will provide assistance to park staff in identifying what additional federal actions and/or regulations are needed to help protect the park from exploration and extraction of mineral resources within or adjacent to the park.

EXTERNAL RECOMMENDATIONS

The following recommendations are made for issues that are external or largely external to Theodore Roosevelt National Park, but that either affect park areas and visitors or are directly related to protection of park resources. They concern protection and development of the Elkhorn (ranch) unit, proposed expansion of the Medora airport, energy and water development outside the park, and cooperation with other units of government in land use and resource protection matters. The issues were discussed earlier in the "Purpose and Need for the Plan" section.

Elkhorn (Ranch) Unit Protection Zone

A resource protection zone surrounding the Elkhorn unit is proposed (see Elkhorn Unit DCP map). This zone would encompass a land area of special concern to the National Park Service. Federal, state, and private lands are involved, and would total about 1,535 acres--private, 635 acres; Forest Service, 600 acres; State Historical Society, 240 acres; and river area (in legal contention as whether state or federally owned), 60 acres.

The proposed zone would protect the scenic backdrop of the ranch site, protect the view of the east bank and adjacent lands across the Little Missouri River from the ranch site, and address anticipated increased visitor use of the area due to a future county road (and river bridge) that would probably pass just south of the unit.

Protection of the lands within the proposed zone would be accomplished as follows:

For national grassland (Forest Service) and North Dakota State Historical Society lands, cooperative agreements would be sought. Both viewshed protection and required access to the Elkhorn ranch site from the proposed new county road would be included in those agreements.

For private ranch lands to the east of the Little Missouri River and across from the Elkhorn ranch site, either a private land trust or the North Dakota State Historical Society would be urged to acquire scenic easements on approximately 635 acres of private lands to protect the viewshed, restrict development, and perpetuate existing ranch use. As a last resort, a boundary change would be necessary to include these lands if all other protection efforts failed. However, a scenic easement, not fee acquisition, would still be proposed.

Surface occupancy for oil and gas and other mineral development would not be permitted on future leases under the proposed terms of both the cooperative agreements and the scenic easements. While existing lease terms and conditions would be honored, at such a time as existing leases expired or were dropped, any disturbed areas

would have to be restored to a natural condition. In addition, visual screening and other environmental precautions would be urged on existing lease areas. (See Elkhorn Unit Mineral Interests map for information on subsurface ownerships within this area.)

Rationale: The former Theodore Roosevelt ranch site is inadequately protected, particularly visually. The ranch site is surrounded by the Forest Service, State Historical Society, and private lands. Billings County plans to construct a new road and river bridge that most likely will be located just to the south of the Elkhorn ranch site. This road will result in a significant increase in visitation to the ranch site because of improved access, which could result in undesired changes in use for the lands surrounding the Elkhorn unit. Finally, the possibility of increased oil and gas activity exists in the area. The resource protection zone around the unit would aid in the ability to obtain agreements that restrict future surface oil and gas development, which would help to ensure the integrity and maintenance of the area's visual quality.

Proposed Expansion of Medora Airport

The Park Service opposes any expansion of Medora's airport facilities, including the runway and immediate takeoff path, onto park land. Encouraging increased air traffic over the park and the use of park land for commercial airport use are both incompatible with the purposes for which the park was established and could diminish visitor enjoyment in and near Medora.

The existing airport area is situated almost entirely on land managed by the Forest Service (see South Unit General Development Plan/Flood Data map). The Forest Service will be addressing various alternatives regarding the existing special use permit for the airport. Because of overlapping concerns and the dominant NPS ownership in the area, the Park Service will assist the Forest Service and seek to be an active co-participant in the consideration of airport issues and options.

Energy Development outside the Park

The following recommendations are aimed at reducing oil and gas industry impacts. Several of these actions, as well as the recommendation for coal development, are taken from the 1984 Natural Resources Management Plan, although modifications and additions have been made as appropriate (also see Oil/Gas Resource and External Conditions maps).

Establish air quality trend data base maps showing point sources of pollution.

Continue the air quality monitoring program in the south and north units of the park. The program would be coordinated with present research projects on sensitive plant and animal species.

Continue mapping and photographing all structures around the park that are considered visual intrusions.

Continue monitoring new oil and gas developments adjacent to the park that degrade scenic vistas and produce noise, smoke, and/or gas.

Coordinate with the North Dakota Industrial Commission and other appropriate state agencies, as well as private oil and gas companies, to gain cooperation in reducing impacts from the installation of new wells, from production equipment, and from other developments on private or state lands close to the park boundaries. If possible, establish a park protection zone (1 mile suggested) within which directional drilling from outside, no burning of waste pits, removal of unneeded equipment, use of vapor recovery units on tanks, and muting or screening of visual impacts and sounds would be strongly encouraged.

Continue coordination with the Forest Service and the Bureau of Land Management in their attempts to reduce impacts of oil and gas operations, both within a special consideration zone of approximately 1 mile from park boundaries and beyond this zone. Carefully review current draft management plans and future draft area plans and make appropriate recommendations. Also, work with the Forest Service in preparing environmental stipulations for new leases that may be issued, especially between 1986 and 1987 when a number of leases will be considered for reissuance. To the extent possible, make this site-specific and complete this coordination work by personally reviewing questions and explaining comments on the plans and lease documents with appropriate Forest Service personnel.

The park superintendent, with technical input from the NPS Air Quality Office and the Rocky Mountain Region, should identify a threshold limit of the amount of air pollution burden that the park's air pollution sensitive resources such as lichens, ponderosa pine, and green ash will bear from SO₂ sources. This limit should then be made part of the public record and included in park planning documents.

The following recommendation is made regarding the potential for future coal development as it relates to adverse impacts that the park would probably experience (see Coal Resource map):

The emphasis for proposed development and processing of coal resources must be to continue monitoring the situation; coordinate with the state, other agencies, and the NPS Air Quality Office; and promote public awareness of the class I air quality standards established for the park areas.

The following recommendations are directed toward the potential for water quality problems in park streams and aquifers from sources outside the park:

The proposed extension and realignment of the Medora airport landing strip, if implemented, would extend the far end of the airstrip to this point on park land. I-94 is ahead and below.



Oil and gas developments just outside the north boundary of the south unit of the park. In addition to being visually obtrusive, these developments can produce hydrogen sulfide gas that may be detected within the park. Future leases should include stipulations to minimize such environmental impacts, and that developments such as these found here be closely monitored.



Coordinate with the Forest Service, Bureau of Land Management, and state of North Dakota to ensure there is some form of environmental monitoring and reporting of existing oil and gas operations. The monitoring should include several areas of concern, including detecting and seeking correction of potential aquifer and stream contamination that could have an impact on the park.

Directly monitor oil- and gas-related problem or potential problem situations, especially on private land adjacent to park boundaries. Report problems to appropriate federal and/or state agencies to effect corrections and compliance as necessary.

Prepare a comprehensive water resources management plan to address park water resource problems and management actions.

Cooperative Efforts on Land Use and Resource Protection

The following recommendations are made regarding the potential for greater interaction with local government on land use matters that could directly affect the park and the need for protection of the Little Missouri River in the general park area:

As was stated earlier, the proper enforcement of local zoning and other land use ordinances could aid in limiting or modifying proposals for undesirable developments on private land near park boundaries. This has limited applicability now, especially in McKenzie County, but as opportunities increase, park staff should stay in close contact with county and city of Medora government to ensure local awareness of NPS interests.

As inappropriate or questionable developments are proposed close to the park, park staff should seek the opportunity for input before the proposals are accepted and implemented. The input would probably involve comments and suggestions regarding the location, design, and quality of proposed commercial, industrial, residential, transportation, and other uses and developments that could affect the park and its visitors. This type of cooperation might become more important in the future if pressures for private development close to the south and Elkhorn units, in particular, increase.

Segments of the Little Missouri River, a designated state scenic river, flow through or along the three units of the park. These river segments will be managed by the Park Service so as to protect the recognized outstanding values. Most of the river in the general park area, however, flows through the Little Missouri National Grassland, which contains lands managed by the Forest Service and the state and lands owned privately. The Park Service urges these agencies and owners to also protect the river's value in concert with the goals of the state to prohibit any future impoundment, channeling, dewatering, or dredging (as well as degradation of the immediate shoreline).

