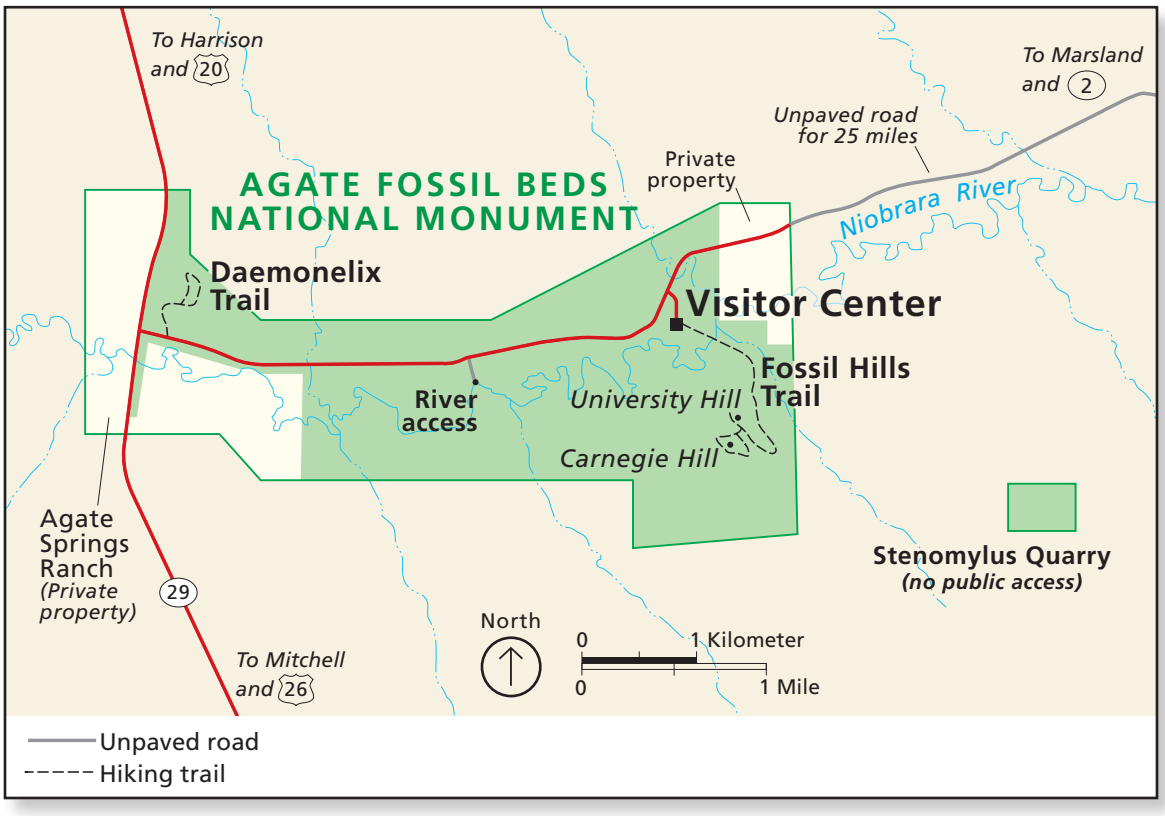
NATIONAL PARK SERVICE • U.S. DEPARTMENT OF THE INTERIOR

Foundation Document

September 2012

Agate Fossil Beds National Monument

Nebraska



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Contents

Introduction

Every unit of the national park system is required to have a formal statement of its core mission that will provide basic guidance for all planning and management decisions. This Foundation Document will be used to guide current and future planning and management of Agate Fossil Beds National Monument ("the Monument"). The primary advantage of developing a Foundation Document is the documented understanding of what is most important about the park that provides the basis for future planning and decision making. Increasing emphasis on government accountability and restrained federal spending demand that all stakeholders are aware of the purpose, significance, interpretive themes, fundamental resources and values, and special mandates and administrative commitments of a park unit, as well as the legal and policy requirements for administration and resource protection that factor into management decisions.

The process of developing a foundation document provides the opportunity to gather and integrate all varieties and hierarchies of information about a park unit. Next, this information is refined and focused to determine the most important attributes of the park. The process of preparing a foundation document aids park managers, staff, and stakeholders in identifying information that is necessary for future planning efforts.

The foundation document can be useful in all aspects of park management to ensure that primary management objectives are accomplished before addressing other factors that are also important, but not directly essential to achieving the park purpose and maintaining its significance. Defining the park's foundation of legal and policy mandates is the prerequisite for all subsequent planning and decision making. It helps ensure that all stakeholders, including National Park Service (NPS) managers and staff, understand what is most important about the park, and it provides the parameters for ensuring that all programs and actions contribute to achieving the park's purpose and other mandates. To this end, the foundation statement documents the congressionally or presidentially established purpose of each park, the reasons why the park's resources and values are significant enough to warrant national park designation, the primary interpretive themes to be conveyed to visitors, any special mandates Congress may have placed on that particular park, and the more general mandates contained in the large body of laws and policies that apply to all units of the national park system.

This Foundation Document was developed as a collaborative effort among Agate Fossil Beds National Monument and regional staff and staff from Scottsbluff National Monument and Badlands National Park. A list of workshop participants and preparers is included in Part 3 of this document.

The park atlas is also a part of the foundation project. It is a geographic information system (GIS) product that can be published as a hard copy paper atlas and as electronic geospatial data in a Web-mapping environment. The park atlas serves as a reference for park projects and planning decisions. It covers various geographic elements that are important for park management, such as natural and cultural resources, visitor use patterns, and facilities. It can be developed as part of a planning project (e.g., foundation document), although it can also be designed as an independent product. The park atlas is available at www.nps.gov/agfo.

Background

Foundation Purpose and Need

The purpose of the Foundation for Planning and Management (Foundation Document) is to articulate a clear and unified understanding of why Agate Fossil Beds National Monument is so special that it has been set aside by Congress in perpetuity. The purpose and significance of the park, and the fundamental resources and values, establish the qualities of the park that are to be protected and maintained in the future.

Foundation Process

The development of this Foundation Document began at a workshop held at the park July 30–August 1, 2007, as part of an effort to develop a general management plan (GMP) for the Monument. The initial draft park purpose and significance statements, lists of fundamental resources and values, updated primary interpretive themes, and mandates and constraints were developed at that time.

Subsequently, subject matter experts from the GMP team, park, Midwest Regional Office (MWRO), and other NPS offices analyzed the fundamental resources and values. This analysis includes research and documentation of the importance, current conditions and trends, and potential threats to and stakeholder interest in the fundamental resources. The analysis documents the federal and state laws and NPS policies that will be used to guide future management of these resources and values in the park.

Because of cost and time constraints, the general management planning effort was curtailed in 2011. Instead of being produced as an introduction to the larger plan, this Foundation Document has been developed as an independent document to guide future planning.

Part I: Core Components

All foundation documents include the following core elements:

The park purpose is the specific reason(s) for establishing a particular park. A park purpose statement is grounded in a thorough analysis of the legislation (or executive order) and legislative history of the park, and may include information from studies generated prior to the park's establishment. The purpose statement goes beyond a restatement of the law to clarify assumptions about what the law means in terms specific to the park.

The significance statements express why the resources and values of the park are important enough to justify national park designation. Statements of park significance describe why an area is important within a global, national, regional, and system-wide context. Significance statements are directly linked to the purpose of the park and are verified by data or consensus that reflect the most current scientific or scholarly inquiry and cultural perceptions because the resources and values may have changed since the park was established.

Primary interpretive themes connect park resources to relevant ideas, meanings, concepts, contexts, beliefs, and values. They support the desired interpretive objective of increasing visitor understanding and appreciation of the significance of park resources. In other words, primary interpretive themes are the most important messages to be conveyed to the public about the park. Primary interpretive themes are based on park purpose and significance.

Fundamental resources and values are features, systems, organisms, processes, visitor experiences, stories, scenes, sounds, smells, or other attributes of the park that merit primary consideration during planning and management because they are essential to achieving park purpose and maintaining park significance.

Other important resources and values are resources and values that are determined to be important and integral to park planning and management, although they are not directly related to the park's purpose and significance.

Purpose and Significance of Agate Fossil Beds National Monument

Purpose

The park purpose is a statement of why Congress and/or the President established the park as a unit of the National Park System. It provides the most fundamental criteria against which the appropriateness of all planning recommendations, operational decisions, and actions are tested.

Purpose statements are based on the park's legislation and legislative history, and National Park Service laws and policies. The statements reaffirm the reasons for which Agate Fossil Beds National Monument was set aside as a unit of the national park system and provide the foundation for the park's management and use.

The purpose of Agate Fossil Beds National Monument is

- *to protect the Miocene epoch fossils and associated quarries and related geological phenomena*
- *to provide a center for continuing paleontological research and for the display and interpretation of Miocene epoch fossils*
- *to curate, exhibit, and protect the James H. Cook–Red Cloud Native American collection*

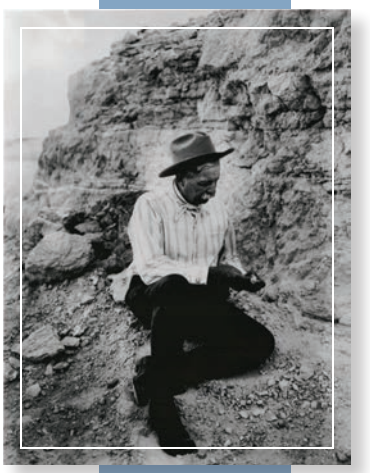
Significance Statements

Statements of significance are guided by legislation and the knowledge acquired through management, research, and civic engagement. These statements of significance define why, within a national, regional, and systemwide context, the park's resources and values are important enough to warrant national park designation.

Significance statements capture the essence of Agate Fossil Beds National Monument's importance to our country's natural and cultural heritage. Significance statements do not inventory park resources; rather, they describe the park's distinctiveness and help to place the park within its regional, national, and international contexts. Defining the park's significance helps managers make decisions that preserve the resources and values necessary to accomplish the park's purpose. The following significance statements were created for Agate Fossil Beds National Monument.

- The Great Bone Bed at Agate is world-renowned as one of the earliest discoveries that helped define the Miocene epoch (23 to 5.3 million years ago). The thousands of densely packed bones deposited into an ancient watering hole are revered for their quality of preservation and completeness.

- The discovery of beardog dens in the 1980s showed the earliest known denning behavior of carnivores. This and other important discoveries at Agate Fossil Beds National Monument include animals new to science, as well as traces of the actual environments they lived in.
- *Daemonelix*, "Devil's corkscrews," a name locally given to enormous sandstone spirals—sometimes up to 10 feet tall—fascinated and confounded the early researchers, who developed several theories to explain their origin. It was later determined that these deposits were natural casts of rodent burrows, which provided valuable insight on the burrowing habits of early beavers and their adaptations to the open grassland environment.
- The *Stenomylus* Quarry is unique because it contains multiple skeletons of the tiny camelid (gazelle-like camel), one of the smallest of the North American camels. Other occurrences of *Stenomylus* in the region are limited to isolated specimens. Many of the skeletons are fully articulated and are preserved in detail. The site is thought to be a mass death assemblage.
- The history of research at Agate Fossil Beds National Monument provides important data needed to better understand the climate and ancient mammals that lived during the Miocene epoch. The scientific history includes important examples of cooperation, competition, near misses, rediscovery, and detailed problem solving, all significant components of scientific understanding.
- The Cook Papers provide valuable insights for future generations regarding the development of a 19th-century frontier ranch and the discovery of the fossil quarries and paint an intimate portrait of a long-lasting friendship between Cook and Red Cloud.
- The Cook–Red Cloud Collection, an accumulation of beautiful gifts bestowed on James H. Cook and his family over many years, illustrates the Plains Indian tradition of gift giving and is a symbol of friendship between cultures not often found in the combative settlement of the West.
- The historic Bone Cabin complex illustrates the time period when Harold Cook and his wife Eleanor homesteaded 640 acres, including Fossil Hills, in order to protect the quarries from uncontrolled development or exploitation. Their desire to work with the paleontologists led to one of the earliest efforts in fossil preservation.



Primary Interpretive Themes

Primary interpretive themes are the most important ideas and concepts of the park that need to be communicated to provide people with opportunities to understand and appreciate the park's resources. These themes are derived from—and should reflect—park purpose and significance. Primary interpretive themes connect park resources to relevant ideas, meanings, concepts, contexts, beliefs, and values. The themes do not include all park elements that can be interpreted, but they do address the ideas that are essential to visitor enjoyment and appreciation of park significance. Effective interpretation is achieved when visitors are able to connect concepts (intangibles) with resources (tangibles) and derive something meaningful from the experience.

The following are the four primary interpretive themes for Agate Fossil Beds National Monument, i.e., the most important ideas or concepts to be communicated to the public about the Monument.

- Agate Fossil Beds National Monument provides an example of how the earth has changed in appearance, over eons of geologic time, and how changing conditions altered the ways that animals and humans lived and died on these lands.
- Animals, and more recently humans, have gathered for millions of years on land within the park, providing a window into the interactions of diverse species and cultural groups.
- For more than a century, the park's lands have been the focus of scholarly inquiry, illustrating how the study of science has matured over time and how stewardship has protected a landscape now deemed a national treasure.
- Decades of scholarly investigation not only opened our eyes to other worlds inhabited by different looking creatures, but also revealed multiple lessons that shed light on subjects relevant to the 21st century including extinction, evolution, climate change, and cultural interaction.

Fundamental Resources and Values

Fundamental resources and values are those resources and values that are critical to achieving the park's purpose and maintaining its significance. They are directly tied to the reason(s) that the park was established.

The most important responsibility of NPS managers is to ensure the conservation of those qualities that are essential to achieving the purpose of the park and maintaining its significance. These qualities are called fundamental resources and values. Fundamental resources and values are closely related to legislative purpose, and are more specific than significance statements. Fundamental resources and values help focus planning and management processes on what is truly significant about the park. If fundamental resources and values are allowed to deteriorate, the park purpose and/or significance could be jeopardized.

The identification of fundamental and other important resources and values should not be construed as meaning that some park resources are not important. This

evaluation is made to separate those resources or values that are covered by NPS mandates and policies from those that have important considerations to be addressed in other planning processes.

The following fundamental resources and values were identified for Agate Fossil Beds National Monument:

- the spectacular geologic deposits
- the long history of research in the Agate Springs Fossil Quarries and historic Bone Cabin complex
- the materials in the James H. Cook–Red Cloud collection and Cook's papers

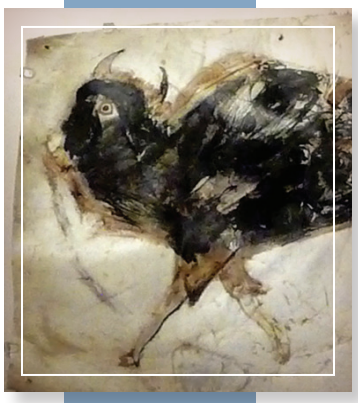
See Part 2 for an analysis of these fundamental resources and values.

Other Important Resources and Values

Agate Fossil Beds National Monument has other resources and values that are not fundamental to the park's purpose and significance, but are nevertheless determined to warrant primary consideration. These are referred to as other important resources and values.

The following other important resources were identified for Agate Fossil Beds National Monument:

- The cultural landscape, including the Niobrara River valley environment, illustrates the scientific exploration of the Miocene epoch and represents early ranching and homesteading.
- The Hoffman House continues the Cook family saga through the 1950s, when the fourth generation made their own improvements to the land, including a prominent shelter belt, modest ranch-style house, attached garage, and root cellar. This small collection represents the local story of the evolution of agricultural settlement of the prairie and the replacement of an original homestead with a more substantial farming or ranching complex. This story has been visually impacted by NPS removal of associated ranch support buildings, corrals, equipment, and fenced pastures. This action was an effort to recreate an earlier homestead period setting.
- The shortgrass prairie and the Niobrara riparian ecotone are regionally important parts of the high plains ecosystem.
- Located where natural springs replenish the Niobrara River at an important crossing point, the Agate Springs Ranch represents one of the earliest pioneer ranching operations in this part of western Nebraska. Its planted groves of trees, artificial pond, corrals, canals, and buildings form an uncommon oasis in an otherwise semiarid and somewhat barren landscape.
- The park's remote location offers a sense of isolation and solitude marveled by many visitors and a night sky of great clarity and darkness.
- The natural quiet of the Monument is, at times, one of the most noticeable aspects of the visitor experience. In an increasingly urbanized world, the natural sounds of this remote location will be even more striking and meaningful.



Part 2: Dynamic Components

Part 2 consists of three components:

- Special Mandates and Administrative Commitments
- Analysis of Fundamental Resources and Values
- Planning Needs Assessment

These components may need to be updated periodically.

Special Mandates and Administrative Commitments

Special mandates are legal requirements and administrative commitments that apply to a specific park. These special mandates may be legislative requirements or signed agreements that add another dimension to a park unit's purpose and significance (such as the designation of an area as wilderness). They may commit managers to specific actions (such as a mandate to allow hunting) or limit their ability to modify land use in the park unit (such as when an easement is in place).

Other governmental agency mandates also may affect a park. For example, the mandates of an adjacent national forest may constrain how park management zones are applied in certain areas. Certain laws that were enacted subsequent to the enabling legislation would also be considered special mandates at the Monument.

The following describes certain mandates and constraints that apply specifically to Agate Fossil Beds National Monument. These require special consideration during planning, because they commit managers to specific actions.

- The 1963 agreement between the National Park Service and Margaret C. Cook regarding the donation, display, and care of the Cook–Red Cloud Collection, including a provision that "the collection will be kept at the Monument and no part thereof may be removed therefrom except temporarily for purposes of repair or preservation."
- Quitclaim Deed recorded September 6, 1967, Book A-11, Page 387, et seq., granting easements and rights-of-way between Agate Fossil Beds National Monument and surrounding ranches to allow access to windmills and pumps, maintain and repair an irrigation system, and move livestock.
- The Monument's enabling legislation (PL 89-33, June 5, 1965 [S. 339], 79 Stat. 123, stipulates an acreage limitation of 3,150 acres (title or a lesser interest).
- Other cooperative agreements concerning law enforcement, fire protection, and emergency medical services are on file in the *Agate Fossil Beds National Monument Jurisdictional Compendium*, which is available in the Superintendent's Office.

Analysis of Fundamental Resources and Values

The analysis of fundamental resources articulates the importance of each fundamental resource and value, the resource's current condition, potential threats, and the related issues that need to be considered in planning and management. Included in the analysis is the identification of relevant laws and NPS policies related to the preservation and management of the resources.

In addition, the stakeholders who have a substantial interest in the preservation or management of a particular resource are identified. Because monitoring and research improves our understanding of each fundamental resource and value, periodic review and updates of this analysis may be necessary.

Fundamental Resource	The spectacular geologic deposits of Agate Fossil Beds National Monument
Related Significance Statement(s)	• The history of research at Agate Fossil Beds National Monument provides important data needed to better understand the climate and ancient mammals that lived during the Miocene epoch. The scientific history includes important examples of cooperation, competition, near misses, rediscovery, and detailed problem solving, all significant components of scientific understanding.
Importance	• These deposits preserve fossil resources that provide rare insights into the Miocene epoch's biological diversity, evolutionary patterns, and related geologic and climatic processes.
Current Conditions, Trends, and Threats	• **Conditions/Trends:** The fossils for which the park is known are contained in a few major concentrations—Carnegie and University Hills (Fossil Hills) with the nearby carnivore dens of Beardog Hill, the *Daemonelix* area, and the *Stenomylus* Quarry. The low, mounded hill to the north of Fossil Hills, known as North Ridge, Quarry A, or Amherst Point, is linked to the initial fossil discovery history and contains an important ash bed used in dating the fossils. Trails lead to the *Daemonelix* and Fossil Hills areas. The *Stenomylus* Quarry is managed as a scientific preserve and is not open to the public. There is no ongoing excavation at any of the fossil sites. • **Threats:** Potential threats to these deposits are both natural and human-caused and include weathering/erosion, charring caused by fires, rock falls and landslides, root intrusions, theft and vandalism, and erosion caused by increased visitation (walking off trails).
Fundamental Resource	**The long history of research in the Agate Springs Fossil Quarries and the historic Bone Cabin complex.**
Related Significance Statement(s)	• The history of research at Agate Fossil Beds National Monument provides important data needed to better understand the climate and ancient mammals that lived during the Miocene epoch. The scientific history includes important examples of cooperation, competition, near misses, rediscovery, and detailed problem solving, all significant components of scientific understanding. • The Great Bone Bed at Agate is world-renowned as one of the earliest discoveries that helped define the Miocene epoch (23 to 5.3 million years ago). The thousands of densely packed bones deposited into an ancient watering hole are revered for their quality of preservation and completeness. • The discovery of beardog dens in the 1980s showed the earliest known denning behavior of carnivores. This and other important discoveries at Agate Fossil Beds National Monument include animals new to science, as well as traces of the actual environments they lived in. • The historic Bone Cabin complex illustrates the time period when Harold Cook and his wife Eleanor homesteaded 640 acres, including Fossil Hills, in order to protect the quarries from uncontrolled development or exploitation. Their desire to work with the paleontologists led to one of the earliest efforts in fossil preservation.

Importance	• The long history of research in the Agate Springs Fossil Quarries has contributed greatly to the science of vertebrate paleontology in North America. The Bone Cabin complex is important as the main base camp for much of the summer excavations that uncovered major discoveries in the fossil hills during the 1910s and 1920s.
Current Conditions, Trends, and Threats	• **Conditions/Trends:** The fossils are contained in Fossil Hills, Beardog Hill, the *Daemonelix* area, and the *Stenomylus* Quarry. Trails lead to the *Daemonelix* and Fossil Hills areas. The *Stenomylus* Quarry is managed as a scientific preserve and is not open to the public. There is no ongoing excavation at any of the fossil sites. The Bone Cabin complex is located in the otherwise open expanse of the park. The exterior of the homestead (later known as Bone Cabin) was restored in 1996 to match its early 1900s appearance and is accessible by mown trail from the Fossil Hills trail. The Bone Cabin is managed as part of the visual landscape. • **Threats:** Potential threats to fossil deposits are both natural and human-caused and include weathering/erosion, theft and vandalism, erosion caused by increased visitation (socials trails), charring caused by fires, rock falls and landslides, and vegetation root intrusions. Potential threats to the Bone Cabin complex include inadequate personal and nonpersonal interpretation, lack of interpretive staff, professional training and leadership, weathering, neglect, fire, vandalism, theft, and inappropriate preservation techniques.
Fundamental Resource	**The James H. Cook–Red Cloud collection and Cook's papers**
Related Significance Statement(s)	• The Cook Papers provide valuable insights for future generations regarding the development of a 19th-century frontier ranch and the discovery of the fossil quarries, and paint an intimate portrait of a long-lasting friendship between Cook and Red Cloud. • The Cook–Red Cloud Collection, an accumulation of beautiful gifts bestowed on James H. Cook and his family over many years, illustrates the Plains Indian tradition of gift giving and is a symbol of friendship between cultures not often found in the combative settlement of the west.
Importance	• These materials have both scientific and cultural value. The materials given to Cook by Red Cloud illustrate the Plains Indian tradition of gift giving and are a symbol of an unusual friendship between the two.
Current Conditions, Trends, and Threats	• **Conditions/Trends:** The Cook family collection is displayed or housed in the visitor center. Fossils gathered from 1980s excavations are housed in a state-of-the-art museum collection facility at the University of Nebraska, Lincoln. Fossils gathered before the establishment of the park are housed and exhibited in museums in a variety of locations. • **Threats:** Potential threats to the collections include theft, vandalism, fire, water damage from fire sprinklers, floodwaters, HVAC failure, power failures, mechanical failures, insufficient storage capacity, and lack of professionally trained curatorial staff.

Planning Needs Assessment

Once park purpose and significance statements and fundamental resources and values have been identified, it is important to consider what additional information and planning tasks may be necessary to aid the National Park Service in its mission. The assessment of planning needs determines whether any additional planning steps, data needs, and management efforts may be necessary to maintain or protect the existing fundamental resources and values and other important resources and values.

Following are the plans that have been identified as necessary for this site to accomplish its mission.

High Priority

Communications Plan

The park historically has been challenged with poor communications, largely due to its remote location and the dearth of service providers capable of meeting quality and consistency in both phone and Internet (bandwidth) service. As NPS/DOI connectivity needs increase (e.g., migration to cloud computing, "the cloud") and major business/reporting systems grow larger, more complex, and more voracious of bandwidth, the park struggles to keep up and is severely hampered in efforts for outreach through distance learning. There is an urgent need for a holistic plan to guide the park's communication infrastructure development and needs through the next two to three decades.

Comprehensive Paleontological Resource Plan

The paleontological resource management plan for the Midwest Region recommends comprehensive paleontological field inventories for Agate Fossil Beds National Monument. Many of the fossil sites are sensitive to weathering and erosion, particularly Beardog Hill and the *Stenomylus* Quarry. The Monument's fossils are notably fragile. A detailed investigation of the taphonomy of the *Stenomylus* Quarry would yield additional information from this important site.

Education Plan

As the park staff strives to provide quality visitor service to all constituencies, there is a major need to reach student constituencies (at all age levels) to encourage and foster the next generation of resource stewards. The Monument's Long-Range Interpretive Plan (2011) identifies the need for a number of curriculum-based educational programs, using both existing and new technologies. The Monument's staff is heavily committed to developing a distance learning and virtual visitation interpretive experience. Comprehensive, mission-based planning is necessary to guide the Monument staff members as they seek to meet the educational and relevancy mandates of the Call to Action and Second Century Report.

Museum Collections Plan

Cook–Red Cloud Native American collection. The Monument staff needs to revisit and revise all Collections Program Core Documents. These documents include, but are not limited to, security survey, fire protection, collection management plan, collection condition survey, terms/condition of use statement, collection storage plan, integrated pest management plan, housekeeping plan, and disaster preparedness plan.

Oil and Gas Management Plan

There is a likelihood that mining of shale oil in the Niobrara Valley could become a reality. The Monument needs to be prepared with an analysis of potential impacts on the park from such activities in the region.

Partnering Plan

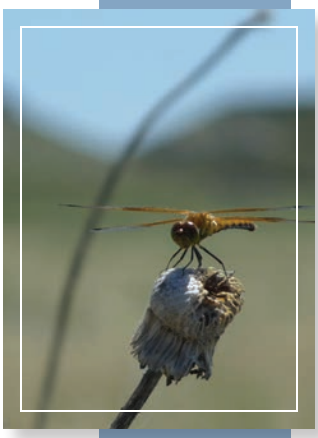
The park has an urgent need to facilitate development and effective use of current and potential formal and informal partnerships, as well as to expand and focus partnering efforts to unreached constituencies. The park needs guidance in prioritizing partnership efforts in order to strategically align these efforts with the park's fundamental resources and values.

Viewshed Management Plan

The park needs guidance in planning for increasing threats to the historic viewshed (even within the Monument boundary, on inholdings). These threats include inappropriate/incompatible agricultural use, energy development (wind, oil, and gas), and light pollution (night sky). This plan dovetails with the need for a wind energy development plan and oil and gas management plan.

Wind Energy Development Plan

The Monument needs to have a plan in place to deal with future development on adjacent lands external to the park boundaries. Major impacts would include wear and tear on the park's River Road from heavy truck and equipment traffic. A project already in the works is a giant wind farm planned for 15 miles east of the park. Monument managers need visual imaging to show how this project would affect the viewshed.



Medium Priority

Alternative Energy Plan

Existing management documents recognize Agate Fossil Beds National Monument as a prime location for wind and solar energy development. As these alternative energy sources continue to be developed and refined, the park needs to consider how and if to incorporate them. The Climate Friendly Parks program and the *Green Parks Plan* are both drivers in the Monument's need for such strategic guidance in the areas of sustainability and reduction of carbon footprint.

Fire Management Plan

Parks with vegetation capable of burning must prepare a fire management plan that is consistent with federal law and departmental fire management policies. The plan will address the need for adequate funding and staffing to support the planned fire management program. These plans are to be reviewed yearly and revised at least every five years.

General Management Plan

Agate Fossil Beds National Monument was authorized in 1965 and a master plan for the Monument was approved by the assistant director February 18, 1966. Agate Fossil Beds National Monument has a statement for management, the most recent dated August 16, 1995; a land protection plan dated February 1986; and a resource management plan dated April 1986, all of which need updating. The Monument has never had a general management plan—and one is needed to provide fundamental direction for efficient and effective management of the Monument. A general management plan was started in 2007, but was not completed because of changes in management personnel and, most recently, from reprioritization away from costly and time-consuming general management plans to more short-term planning. Before the GMP process was stopped, the team developed a foundation document and preliminary alternatives (and related maps) that were approved by the regional director. Because of the extent of the work accomplished prior to the hiatus, completing the general management plan would require much less time and expense than starting from scratch.

Land Protection Plan Update

Park land protection plans are required to be updated routinely. The current Land Protection Plan (1986) does not reflect important changes in land ownership and right-of-way easement affecting NPS access to the *Stenomylus* Quarry, a discontiguous area of the park. Likewise, the early plan's recommendations for protecting and treating the history Agate Springs Ranch Headquarters tract (private property) and one-half interest mineral rights on several tracts have not been addressed.

Prairie Management / Ungulate Management Plan

Development of this plan would help the park consider and analyze potential impacts of grazing on the park landscape and resources. The immediacy for such a plan has been heightened by item 26 of the Call to Action, "Back Home on the Range," and the goal of reinstating bison herds to parks by 2016. A recent recommendation to the Washington Office (WASO) names Agate Fossil Beds National Monument as a potential location for a

bison herd (see "Opportunities for Bison in Smaller Midwest Region Prairie Parks," draft white paper, July 31, 2012).

Vegetation Management Plan

The park's natural resource management concerns and treatment options—ranging from removal of invasive and nonnative species, to prairie restoration and soil compaction, to reintroduction of large ungulates and a reduction of pocket gophers—warrant a comprehensive examination.

Low Priority

Administrative History Update

There have been significant administrative changes at Agate Fossil Beds National Monument since its Administrative History was completed in 1986. All current park development has occurred, and exhibits installed, since that time. The Monument received a considerable baseline budget increase in 2009 and 2010 that affects staffing and a change in unit status. Several unit managers and park rangers have retired or are nearing retirement, adding a time-sensitive element to capturing their institutional knowledge through oral interviews.

Cultural Landscape Report

Agate Fossil Beds National Monument is a complex landscape, displaying 20 million years of natural history, including mammalian evolution and a High Plains ecosystem used by people for at least 3,000 to 20,000 years. Monument lands are affiliated with 11 Native American tribal entities and have been used as European American ranch lands and scientific exploration sites since the 1880s. Native American remnants include archeological sites, ethnohistoric camping areas, and sacred landscape and sites. The fossil quarries are of international historic significance as early 19th century sites in which never-before-found Miocene epoch mammal species were recovered and identified. Monument lands are a complex array of a mixed grass prairie, extensive wetlands, and rocky lichen-covered Niobrara Valley breaks. Completion of a parkwide cultural landscape report would integrate the identification, evaluation, and management planning for the cultural resources in this landscape in the context of their natural environment, as well as provide recommendations for management and treatment.

Landscape/Landscape Planting

The Monument's visitor center, museum, and eastern area residences are built on a treeless river terrace in an area of high winds and hot sun. Visitors comment frequently about the need for shaded areas and for areas sheltered from the constant winds. The area's arid climate and harsh environment pose major challenges to landscape planting. Likewise, the *Green Parks Plan* highlights the double-edged needs for sustainable landscaping and creation of environments that reduce the Monument's carbon footprint. Management needs for the cultural landscape must also be considered.

Part 3: Foundation Workshop Participants and Document Preparers

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Appendix A—Legislation

Public Law 89-33
June 5, 1965 | [S. 339] 79 Stat. 123

AN ACT

To provide for the establishment of the Agate Fossil Beds National Monument in the State of Nebraska, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve for the benefit and enjoyment of present and future generations the outstanding paleontological sites known as the Agate Springs Fossil Quarries, and nearby related geological phenomena, to provide a center for continuing paleontological research and for the display and interpretation of the scientific specimens uncovered at such sites, and to facilitate the protection and exhibition of a valuable collection of Indian artifacts and relics that are representative of an important phase of Indian history, the Secretary of the Interior is authorized to acquire by donation, or by purchase with donated or appropriated funds, or otherwise, title or a lesser interest in not more than three thousand one hundred and fifty acres of land in township 28 north, range 55 west, sixth principal meridian, Sioux County, Nebraska, for inclusion in the Agate Fossil Beds National Monument in accordance with the boundary designation made pursuant to section 2 hereof, which boundary may include such right-of-way as is needed for a road between the Stenomylus Quarry site and the monument lands lying in section 3 or 10 of the said township and range.

SEC. 2. Within the acreage limitation of section 1, the Secretary may designate and adjust the boundaries of Agate Fossil Beds National Monument. When the Secretary finds that lands constituting an initially administrable unit are in Federal ownership, he shall establish such national monument by publication of notice thereof in the Federal Register, and any subsequent adjustment of its boundaries shall be effectuated in the same manner.

SEC. 3. The Agate Fossil Beds National Monument shall be administered by the Secretary of the Interior pursuant to 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.), as amended and supplemented.

SEC. 4. There are hereby authorized to be appropriated the sums of not more than $301,150 for acquisition of lands and interests in land and not more than $1,842,000 for development in connection with the Agate Fossil Beds National Monument under this Act.

Approved, June 5, 1965.

Appendix B—Relevant Laws and Policies

Much of basic park management is delineated in laws, policies, and regulations intended to protect environmental quality, preserve historic resources, promote the public's enjoyment of its natural and cultural heritage, and ensure that the benefits and costs of federal actions are equitably shared by all citizens. Some of the laws that are of particular interest to planning and management of Agate Fossil Beds National Monument are summarized as follows:

NPS Organic Act of 1916 (16 USC 1, et seq.).
The NPS Organic Act remains the core of NPS authority and the definitive statement of the purposes of the parks and of the NPS mission:

> to promote and regulate the use of the federal areas known as national parks, monuments, and reservations . . . by such means and measures as conform to the fundamental purposes . . . to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such a manner and by such means as will leave them unimpaired for the enjoyment of future generations.

Antiquities Act of 1906 [34 Stat. 225, 16 USC 431-433 (1988)].
This act established a federal policy for the protection and preservation of historic and prehistoric ruins, archeological sites, and other scientific resources located on land owned or controlled by the federal government and established procedures to be followed for permitting the excavation or collection of prehistoric and historic objects on federal lands.

National Historic Preservation Act of 1966, as amended (Section 106 and Section 110, 16 USC 470; 36 CFR 800).
The purpose of this act is to protect and preserve districts, sites and structures, and architectural, archeological, and cultural resources. Section 106 requires consultation with the state historic preservation officer. Section 110 requires that the National Park Service identify and nominate all eligible resources under its jurisdiction to the National Register of Historic Places.

Wild and Scenic Rivers Act (16 USC 1131-1136).
This 1968 act established a system to protect selected rivers with outstandingly remarkable scenic, recreational, geologic, wildlife, historic, cultural, or similar values in a free-flowing condition. The National Wild and Scenic Rivers System includes three river classifications—wild, scenic, and recreational—based on the level of disturbance to the given river and its surrounding habitat at the time of designation. Section 7 of the act requires that administering agencies evaluate proposed water resources projects that might affect the river or river segment. (The segment of the Niobrara River within the boundaries of the Monument is listed on the National Rivers Inventory, although it is not included in the National Wild and Scenic Rivers System.)

National Environmental Policy Act of 1969 (42 USC 4321-4370).
This landmark environmental protection legislation requires that federal decision makers seek a balance between use and preservation of natural and cultural resources. The National Environmental Policy Act requires all federal agencies to prepare in-depth studies of the impacts of and alternatives to proposed "major federal actions," to use the information contained in such studies when deciding whether to proceed with the actions, and to diligently attempt to involve the interested and affected public before any decision affecting the environment is made. Implementing regulations for the National Environmental Policy Act are contained in 40 CFR 1500-1508.

General Authorities Act of 1970 (16 USC 1).
This act affirms that all national park areas are "united through their interrelated purposes and resources into one national park system, as cumulative expressions of a single national heritage."

Executive Order 11593, "Protection and Enhancement of the Cultural Environment," May 13, 1971.
This executive order directs federal agencies to inventory cultural properties under their jurisdiction, to nominate to the National Register of Historic Places all federally owned properties that meet the criteria, to use due caution until the inventory and nomination processes are completed, and to assure that federal plans and programs contribute to preservation and enhancement of nonfederal properties. Some of the provisions of this executive order were turned into section 110 of the National Historic Preservation Act.

Archeological and Historic Preservation Act of 1974, as amended (16 USC 469-469c).
This act requires survey, recovery, and preservation of significant scientific, prehistoric, historical, archeological, or paleontological data when such data may be destroyed due to a federal project. The act directs federal agencies to notify the Secretary of the Interior whenever findings are made that such a project may cause loss or damage.

Redwood Act of 1978 (16 USC 1a-1).
Congress supplemented and clarified the provisions of the Organic Act through enactment of the General Authorities Act in 1970, and again through enactment of a 1978 amendment to that law (Redwood Act / amendment) contained in a bill expanding Redwood National Park. This act states that the provisions of the Organic Act apply to all units of the national park system. A key phrase is that activities "shall not be exercised in derogation of the values and purposes for which these areas have been established." It is applicable unless Congress has "directly and specifically provided" otherwise.

National Parks and Recreation Act of 1978 (PL 95-625).
Section 604(b) of this act requires that general management plans be prepared and revised in a timely manner for each unit in the national park system. The act further specifies that general management plans shall include measures for the preservation of the area's resources, indications of the types and intensities of development associated with public use of the unit, visitor carrying capacities for all areas of the unit, and indications of potential modifications of the unit's external boundaries, if needed.

American Indian Religious Freedom Act, August 11, 1978 (PL 95-341, 42 USC 1996 and 1996a).

This act states the policy of the United States to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, including, but not limited to, access to sites, use and possession of sacred objects, and freedom to worship through ceremonials and traditional rites.

Council on Environmental Quality Regulations, as amended (40 CFR 1500-1508).

These regulations implement the National Environmental Policy Act and provide guidance to federal agencies in the preparation of environmental documents identified under the act.

Archeological Resources Protection Act of 1979 [16 USC 470aa (1988)].

This act defines archeological resources as any material remains of past human life or activities that are of archeological interest and at least 100 years old; requires federal permits for their excavation or removal and sets penalties for violators; provides for preservation and custody of excavated materials, records, and data; provides for confidentiality of archeological site locations; and encourages cooperation with other parties to improve protection of archeological resources. The act was amended in 1988 to require development of plans for surveying public lands for archeological resources, and systems for reporting incidents of suspected violations.

Native American Graves Protection and Repatriation Act, November 16, 1990, (PL101-601).

Native American Graves Protection and Repatriation Act provides a process for museums and federal agencies to return certain Native American cultural items—human remains, funerary objects, sacred objects, and objects of cultural patrimony—to lineal descendants, culturally affiliated American Indian tribes, and Native Hawaiian organizations.

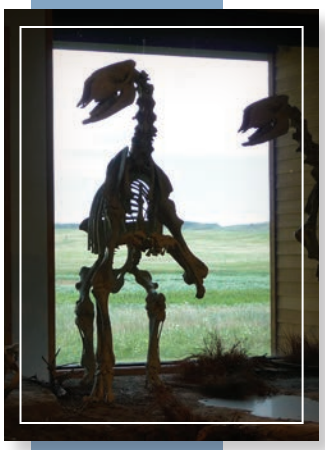
Executive Order 13007, "Indian Sacred Sites," May 24, 1996.

This executive order instructs each executive branch agency with statutory or administrative responsibility for the management of federal lands to (1) accommodate to the extent practicable, permitted by law, and not clearly inconsistent with essential agency functions, access to and ceremonial use of Indian sacred sites by Indian religious practitioners, (2) avoid adversely affecting the physical integrity of such sacred sites, and (3) where appropriate, maintain the confidentiality of such sites.

Indian Arts and Crafts Act of 1990, as amended (25 USC 305) (PL 101-644).

This act is a truth-in-advertising law prohibiting misrepresentation in marketing of Indian arts and crafts products within the United States. It is illegal to offer or display for sale, or sell any art or craft product in a manner that falsely suggests it is Indian produced, an Indian product, or the product of a particular Indian or Indian Tribe or Indian arts and crafts organization, resident within the United States.

National Parks Omnibus Management Act of 1998.
This act outlines a strategy to improve the ability of the National Park Service to provide state-of-the-art management, protection, interpretation of, and research on, the resources within the national park system.



Paleontological Resources Preservation, Subtitle D of National Parks Omnibus Management Act of 2009.
Subtitle D of this act promotes management and protection of paleontological resources through public awareness and education programs, inventory and monitoring of fossil resources, permit requirements, and penalties for violating the tenets of this subtitle.

NPS Management Policies 2006 (Section 1.4.6).
The policies stipulate that paleontological resources are considered park resources and values that are subject to the "no impairment" standard set forth by the Organic Act. Basic guidelines for management of paleontological resources are found in sections 4.8.2 and 4.8.2.1.

Historic Sites Act of 1935 (16 USC 461-467) (PL 74-292, 49 Stat. 666).
Declared a national policy to preserve for public use historic sites, buildings, and objects, this act authorized the programs known as the Historic American Buildings Survey, Historic American Engineering Record, and National Historic Landmarks Survey; authorized the National Park Service to restore, reconstruct, rehabilitate, preserve, and maintain historic or prehistoric sites, buildings, objects, and properties of national historical or archeological significance and to establish and maintain museums in connection therewith; and authorized cooperative agreements with other parties to preserve and manage historic properties.

36 Code of Federal Regulations 65 (Regulations to the Historic Sites Act of 1935).
The National Historic Landmarks Program establishes criteria and procedures for identifying properties of national significance, designating them as national historic landmarks, revising landmark boundaries, and removing landmark designations.

Museum Properties Management Act of 1955, as amended (16 USC 18) (PL 84-127, 69 Stat. 242).
This act authorizes the National Park Service to accept donations or bequests of museum properties, purchase them from donated funds, or exchange, transfer, convey, or destroy them and receive and grant museum loans.

Curation of Federally-Owned and Administered Archeological Collections (36 CFR 79).
Part 79 established standards, procedures, and guidelines to be followed by federal agencies in preserving and providing adequate long-term curatorial services for archeological collections of prehistoric and historic artifacts and associated records that are recovered under section 110 of the National Historic Preservation Act, Reservoir Salvage Act, Archaeological Resources Protection Act, and Antiquities Act.

Lacey Act of 1900 (18 USC 43-44).
This act makes the violation of any state, federal, or foreign wildlife law a federal offense and places stipulations on the importing and labeling of wildlife (e.g., birds and mammals) and their parts. It poses complex problems for museums in relation to the acquisition, deaccession, and sale of wildlife materials in museum shops because it is hard to prove the legal history of such pieces. Enforcement of the act requires proof of intentional violation, but ignorance of the relevant state, federal, or foreign statutes is not excusable. The Black Bass Act of 1930 (16 USC 851) added fish to the list of wildlife under the Lacey Act.

Migratory Bird Treaty Act of 1918 (16 USC 703-711).
Enacted to protect birds flying between the United States and Canada, this act was later expanded to include Mexico and Japan. It covers all wild native birds not legally hunted by state law. This act makes it illegal to kill, capture, collect, possess, buy, sell, ship, import, or export listed species, including their parts, nests, and eggs. Museums and noncommercial institutions can get permits for legal possession, collection, and transportation of such objects, but permits impose extensive recordkeeping requirements. Only museums and other specified institutions can purchase any protected bird or part thereof, and the seller must possess a federal permit for a legal sale.

Bald Eagle Protection Act of 1940 (16 USC 668-668d).
Amended in 1962 to include golden eagles, this act prohibits taking, buying, selling, trading, possessing, importing, or exporting eagles or their parts, nests, eggs, or products made from them. It does, however, authorize permits for taking, possessing, and transporting eagles and their parts for scientific, exhibition, and Indian religious purposes. Possession and transportation of eagles held since before the act require no permits, but museums need permits for any materials acquired subsequently.

Endangered Species Act of 1973, as amended (16 USC 1531-1543).
This act makes it illegal to harass, harm, or kill listed species and to use, buy, or sell the species or parts thereof in the course of an interstate commercial activity. Intrastate transactions are allowed if ownership prior to the legislation can be proven. Although the act does not apply to fossils and objects greater than 100 years old, age must be meticulously verified. Park museums must have a permit to purchase more recent objects that contain parts of endangered or threatened species. Gifts of endangered or threatened specimens to museums are allowed if there is proof of ownership prior to the legislation and if the objects have not been offered for sale since the date of the act. Loans or gifts between educational institutions are allowed. In such instances, permits are not required, even if the objects cross state lines.

Research Specimens (36 CFR 2.5) [National Park Service Act of 1916].
This part states conditions under which park superintendents may permit collection of plants, fish, wildlife, rocks, and minerals, including museum catalog requirements.

1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property (19 USC 2601).
As one of 60 signatories to the convention, the United States agrees to work with other nations to prevent the import of and trade in archeological and ethnographical materials

(when requested) and in stolen cultural collections. The United States is the only major art importing country to sign the convention to date.

Archeological materials must be "of cultural significance, at least 250 years old and normally discovered as a result of scientific excavation, clandestine or accidental digging, or exploration under water." Ethnographic materials must be "the product of a tribal or nonindustrial society and important to the cultural heritage of a people because of its distinctive characteristics, comparative rarity, or its contribution to the knowledge of the origins, development or history of that people."

1983 Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

This worldwide effort to protect endangered species of plants and animals by regulating imports and exports was first ratified in 1977 and had been joined by 50 nations within three years. It allows for certificates of exemption for the import or export of items acquired before CITES, and for noncommercial exchange between institutions. The convention deals with three appendices that protect materials of varying degrees of scarcity:

Appendix I: Species are in danger of extinction and there is not commercial trade in them. Any international transport of these materials requires permits from both the exporting and importing nations.

Appendix II: Species require strict regulation to prevent the danger of extinction and/or look like Appendix I species. Permits for international transport are issued by the exporting nation, and are allowed for any purpose not detrimental to the species.

Appendix III: Species are protected only within their native countries. They require permits for export even if they are plentiful elsewhere.

As the nation's principal conservation agency, the Department of the Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering sound use of our land and water resources; protecting our fish, wildlife, and biological diversity; preserving the environmental and cultural values of our national parks and historic places; and providing for the enjoyment of life through outdoor recreation. The department assesses our energy and mineral resources and works to ensure that their development is in the best interests of all our people by encouraging stewardship and citizen participation in their care. The department also has a major responsibility for American Indian reservation communities and for people who live in island territories under U.S. administration.

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Midwest Region Foundation Document Recommendation
Agate Fossil Beds National Monument

September 2012

This Foundation Statement has been prepared as a collaborative effort between Park and Regional staff, and is recommended for approval by the Midwest Regional Director.

8-30-12

RECOMMENDED
Superintendent, Agate Fossil Beds National Monument **Date**

9-6-12

RECOMMENDED
Planning Division Chief, Midwest Regional Office **Date**

9/6/12

RECOMMENDED
Associate Regional Director, MWRO Planning, Communication and Legislation **Date**

9.26.12

APPROVED
Regional Director, Midwest Region **Date**

Foundation Document • Agate Fossil Beds National Monument

NATIONAL PARK SERVICE • U.S. DEPARTMENT OF THE INTERIOR