

108TH CONGRESS
2D SESSION

H. R. 3819

IN THE SENATE OF THE UNITED STATES

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Read twice and referred to the Committee on Energy and Natural Resources

AN ACT

To redesignate Fort Clatsop National Memorial as the Lewis and Clark National Historical Park, to include in the park sites in the State of Washington as well as the State of Oregon, and for other purposes.

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

1 **TITLE I—LEWIS AND CLARK NA-**
2 **TIONAL HISTORICAL PARK**
3 **DESIGNATION ACT**

4 **SEC. 101. SHORT TITLE.**

5 This title may be cited as the “Lewis and Clark Na-
6 tional Historical Park Designation Act”.

7 **SEC. 102. DEFINITIONS.**

8 As used in this title:

9 (1) **PARK.**—The term “park” means the Lewis
10 and Clark National Historical Park designated in
11 section 103.

12 (2) **SECRETARY.**—The term “Secretary” means
13 the Secretary of the Interior.

14 **SEC. 103. LEWIS AND CLARK NATIONAL HISTORICAL PARK.**

15 (a) **DESIGNATION.**—In order to preserve for the ben-
16 efit of the people of the United States the historic, cul-
17 tural, scenic, and natural resources associated with the ar-
18 rival of the Lewis and Clark Expedition in the lower Co-
19 lumbia River area, and for the purpose of commemorating
20 the culmination and the winter encampment of the Lewis
21 and Clark Expedition in the winter of 1805–1806 fol-
22 lowing its successful crossing of the North American Con-
23 tinent, there is designated as a unit of the National Park
24 System the Lewis and Clark National Historical Park.

1 (b) BOUNDARIES.—The boundaries of the park are
2 those generally depicted on the map entitled “Lewis and
3 Clark National Historical Park, Boundary Map”, num-
4 bered 405/80027, and dated December 2003, and which
5 includes—

6 (1) lands located in Clatsop County, Oregon,
7 which are associated with the winter encampment of
8 the Lewis and Clark Expedition, known as Fort
9 Clatsop and designated as the Fort Clatsop National
10 Memorial by Public Law 85–435, including the site
11 of the salt cairn (specifically, lot number 18, block
12 1, Cartwright Park Addition of Seaside, Oregon)
13 used by that expedition and adjacent portions of the
14 old trail which led overland from the fort to the
15 coast;

16 (2) lands identified as “Fort Clatsop 2002 Ad-
17 dition Lands” on the map referred to in this sub-
18 section; and

19 (3) lands located along the lower Columbia
20 River in the State of Washington associated with the
21 arrival of the Lewis and Clark Expedition at the Pa-
22 cific Ocean in 1805, which are identified as “Station
23 Camp”, “Clark’s Dismal Nitch”, and “Cape Dis-
24 appointment” on the map referred to in this sub-
25 section.

1 (c) ACQUISITION OF LAND.—

2 (1) AUTHORIZATION.—The Secretary is author-
3 ized to acquire land, interests in land, and improve-
4 ments therein within the boundaries of the park, as
5 identified on the map referred to in subsection (b),
6 by donation, purchase with donated or appropriated
7 funds, exchange, transfer from any Federal agency,
8 or by such other means as the Secretary deems to
9 be in the public interest.

10 (2) CONSENT OF LANDOWNER REQUIRED.—The
11 lands authorized to be acquired under paragraph (1)
12 (other than corporately owned timberlands within
13 the area identified as “Fort Clatsop 2002 Addition
14 Lands” on the map referred to in subsection (b))
15 may be acquired only with the consent of the owner.

16 (3) ACQUISITION OF FORT CLATSOP 2002 ADDI-
17 TION LANDS.—If the owner of corporately owned
18 timberlands within the area identified as “Fort
19 Clatsop 2002 Addition Lands” on the map referred
20 to in subsection (b) agrees to enter into a sale of
21 such lands as a result of actual condemnation pro-
22 ceedings or in lieu of condemnation proceedings, the
23 Secretary shall enter into a memorandum of under-
24 standing with the owner regarding the manner in

1 which such lands shall be managed after acquisition
2 by the United States.

3 (d) CAPE DISAPPOINTMENT.—

4 (1) TRANSFER.—Subject to valid rights (includ-
5 ing withdrawals), the Secretary shall transfer to the
6 Director of the National Park Service management
7 of any Federal land at Cape Disappointment, Wash-
8 ington, that is within the boundary of the park.

9 (2) WITHDRAWN LAND.—

10 (A) NOTICE.—The head of any Federal
11 agency that has administrative jurisdiction over
12 withdrawn land at Cape Disappointment, Wash-
13 ington, within the boundary of the park shall
14 notify the Secretary in writing if the head of
15 the Federal agency does not need the with-
16 drawn land.

17 (B) TRANSFER.—On receipt of a notice
18 under subparagraph (A), the withdrawn land
19 shall be transferred to the administrative juris-
20 diction of the Secretary, to be administered as
21 part of the park.

22 (3) MEMORIAL TO THOMAS JEFFERSON.—All
23 withdrawals of the 20-acre parcel depicted as a
24 “Memorial to Thomas Jefferson” on the map re-
25 ferred to in subsection (b) are revoked, and the Sec-

1 retary shall establish a memorial to Thomas Jeffer-
2 son on the parcel.

3 (4) MANAGEMENT OF CAPE DISAPPOINTMENT
4 STATE PARK LAND.—The Secretary may enter into
5 an agreement with the State of Washington pro-
6 viding for the administration by the State of the
7 land within the boundary of the park known as
8 “Cape Disappointment State Park”.

9 (e) MAP AVAILABILITY.—The map referred to in sub-
10 section (b) shall be on file and available for public inspec-
11 tion in the appropriate offices of the National Park Serv-
12 ice.

13 **SEC. 104. ADMINISTRATION.**

14 (a) IN GENERAL.—The park shall be administered by
15 the Secretary in accordance with this title and with laws
16 generally applicable to units of the National Park System,
17 including the Act of August 25, 1916 (39 Stat. 535; 16
18 U.S.C. 1 et seq.) and the Act of August 21, 1935 (49
19 Stat. 666; 16 U.S.C. 461 et seq.).

20 (b) MANAGEMENT PLAN.—Not later than 3 years
21 after funds are made available for this purpose, the Sec-
22 retary shall prepare an amendment to the General Man-
23 agement Plan for Fort Clatsop National Memorial to
24 guide the management of the park.

1 (c) COOPERATIVE MANAGEMENT.—In order to facili-
2 tate the presentation of a comprehensive picture of the
3 Lewis and Clark Expedition’s experiences in the lower Co-
4 lumbia River area and to promote more efficient adminis-
5 tration of the sites associated with those experiences, the
6 Secretary may enter into cooperative management agree-
7 ments with appropriate officials in the States of Wash-
8 ington and Oregon in accordance with the authority pro-
9 vided under section 3(l) of Public Law 91–383 (112 Stat.
10 3522; 16 U.S.C. 1a–2).

11 **SEC. 105. REPEAL OF SUPERSEDED LAW.**

12 (a) IN GENERAL.—Public Law 85–435 (72 Stat.
13 153; 16 U.S.C. 450mm et seq.), regarding the establish-
14 ment and administration of Fort Clatsop National Memo-
15 rial, is repealed.

16 (b) REFERENCES.—Any reference in any law (other
17 than this title), regulation, document, record, map or
18 other paper of the United States to “Fort Clatsop Na-
19 tional Memorial” shall be considered a reference to the
20 “Lewis and Clark National Historical Park”.

21 **SEC. 106. PRIVATE PROPERTY PROTECTION.**

22 (a) ACCESS TO PRIVATE PROPERTY.—Nothing in
23 this title shall be construed to—

1 (1) require any private property owner to per-
2 mit public access (including Federal, State, or local
3 government access) to such private property; or

4 (2) modify any provision of Federal, State, or
5 local law with regard to public access to or use of
6 private lands.

7 (b) LIABILITY.—Designation of the park shall not be
8 considered to create any liability, or to have any effect on
9 any liability under any other law, of any private property
10 owner with respect to any persons injured on such private
11 property.

12 (c) RECOGNITION OF AUTHORITY TO CONTROL LAND
13 USE.—Nothing in this title shall be construed to modify
14 any authority of Federal, State, or local governments to
15 regulate the use of private land within the boundary of
16 the park.

17 **SEC. 107. AUTHORIZATION OF APPROPRIATIONS.**

18 There are authorized to be appropriated such sums
19 as may be necessary to carry out this title.

20 **TITLE II—LEWIS AND CLARK**
21 **EASTERN LEGACY STUDY**

22 **SEC. 201. DESIGNATION OF ADDITIONAL SITES FOR STUDY.**

23 (a) STUDY.—

24 (1) IN GENERAL.—The Secretary of the Inte-
25 rior shall update, with an accompanying map, the

1 1958 Lewis and Clark National Historic Landmark
2 theme study to determine the historical significance
3 of the eastern sites of the Corps of Discovery expedi-
4 tion used by Meriwether Lewis and William Clark,
5 whether independently or together, in the prepara-
6 tion phase starting at Monticello, Virginia, and trav-
7 eling to Wood River, Illinois, and the return phase
8 from Saint Louis, Missouri, to Washington, District
9 of Columbia, including sites in Virginia, Washington,
10 District of Columbia, Maryland, Delaware, Pennsyl-
11 vania, West Virginia, Ohio, Kentucky, Tennessee,
12 Indiana, and Illinois.

13 (2) FOCUS OF UPDATE; NOMINATION AND ADDI-
14 TION OF PROPERTIES.—The focus of the study
15 under paragraph (1) shall be on developing historic
16 context information to assist in the evaluation and
17 identification, including the use of plaques, of sites
18 eligible for listing in the National Register of His-
19 toric Places or designation as a National Historic
20 Landmark.

21 (b) REPORT.—Not later than 1 year after funds are
22 made available for the study under this section, the Sec-
23 retary shall submit to the Committee on Resources in the
24 House of Representatives and the Committee on Energy
25 and Natural Resources in the Senate a report describing

1 any findings, conclusions, and recommendations of the
2 study.

3 **SEC. 202. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated such sums
5 as may be necessary to carry out this title.

Passed the House of Representatives July 19, 2004.

Attest: JEFF TRANDAHL,
Clerk.