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2D SESSION

# H. R. 3819

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IN THE SENATE OF THE UNITED STATES

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

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## 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.*