

Union Calendar No. 332

108TH CONGRESS
2D SESSION

H. R. 3819

[Report No. 108-570]

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.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 2004

Mr. BAIRD (for himself, Mr. WU, Mr. NETHERCUTT, Mr. BEREUTER, Mr. LARSEN of Washington, Mr. DICKS, Mr. INSLEE, Mr. McDERMOTT, Mr. SMITH of Washington, Mr. DEFazio, Mr. SOUDER, Mr. POMEROY, Ms. HOOLEY of Oregon, Mr. BLUMENAUER, Mr. WALDEN of Oregon, Mr. GOODE, and Ms. DUNN) introduced the following bill; which was referred to the Committee on Resources

JUNE 25, 2004

Additional sponsor: Mr. HASTINGS of Washington

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on February 24, 2004]

A BILL

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,*

3 ***TITLE I—LEWIS AND CLARK NA-***
4 ***TIONAL HISTORICAL PARK***
5 ***DESIGNATION ACT***

6 ***SEC. 101. SHORT TITLE.***

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

9 ***SEC. 102. DEFINITIONS.***

10 *As used in this title:*

11 (1) *PARK.*—*The term “park” means the Lewis*
12 *and Clark National Historical Park designed in sec-*
13 *tion 103.*

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

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

17 (a) *DESIGNATION.*—*In order to preserve for the benefit*
18 *of the people of the United States the historic, cultural, sce-*
19 *nic, and natural resources associated with the arrival of*
20 *the Lewis and Clark Expedition in the lower Columbia*
21 *River area, and for the purpose of commemorating the cul-*
22 *mination and the winter encampment of the Lewis and*
23 *Clark Expedition in the winter of 1805–1806 following its*
24 *successful crossing of the North American Continent, there*

1 *is designated as a unit of the National Park System the*
2 *Lewis and Clark National Historical Park.*

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

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

17 (2) *lands identified as “Fort Clatsop 2002 Addi-*
18 *tion Lands” on the map referred to in this subsection;*
19 *and*

20 (3) *lands located along the lower Columbia River*
21 *in the State of Washington associated with the arrival*
22 *of the Lewis and Clark Expedition at the Pacific*
23 *Ocean in 1805, which are identified as “Station*
24 *Camp”, “Clark’s Dismal Nitch”, and a “Memorial to*

1 *Thomas Jefferson” on the map referred to in this sub-*
2 *section.*

3 *(c) ACQUISITION OF LAND.—*

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

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

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

1 *with the owner regarding the manner in which such*
2 *lands shall be managed after acquisition by the United*
3 *States.*

4 (4) *CAPE DISAPPOINTMENT.*—*After the with-*
5 *drawal of any of the Federal lands from operation of*
6 *the public land laws at Cape Disappointment in the*
7 *State of Washington is relinquished by the Army*
8 *Corps of Engineers or the United States Coast Guard,*
9 *administrative jurisdiction over those lands shall be*
10 *resumed by the Secretary. After administrative juris-*
11 *isdiction is resumed, the Secretary, acting through the*
12 *Director of the National Park Service, shall enter into*
13 *cooperative management agreements with appropriate*
14 *officials in the State of Washington pursuant to sec-*
15 *tion 104(c) to manage those Federal lands as a State*
16 *park.*

17 (d) *MAP AVAILABILITY.*—*The map referred to in sub-*
18 *section (b) shall be on file and available for public inspec-*
19 *tion in the appropriate offices of the National Park Service.*

20 **SEC. 104. ADMINISTRATION.**

21 (a) *IN GENERAL.*—*The park shall be administered by*
22 *the Secretary in accordance with this title and with laws*
23 *generally applicable to units of the National Park System,*
24 *including the Act of August 25, 1916 (39 Stat. 535; 16*

1 *U.S.C. 1 et seq.) and the Act of August 21, 1935 (49 Stat.*
 2 *666; 16 U.S.C. 461 et seq.).*

3 (b) *MANAGEMENT PLAN.*—*Not later than 3 years after*
 4 *funds are made available for this purpose, the Secretary*
 5 *shall prepare an amendment to the General Management*
 6 *Plan for Fort Clatsop National Memorial to guide the man-*
 7 *agement of the park.*

8 (c) *COOPERATIVE MANAGEMENT.*—*In order to facili-*
 9 *tate the presentation of a comprehensive picture of the*
 10 *Lewis and Clark Expedition’s experiences in the lower Co-*
 11 *lumbia River area and to promote more efficient adminis-*
 12 *tration of the sites associated with those experiences, the*
 13 *Secretary may enter into cooperative management agree-*
 14 *ments with appropriate officials in the States of Wash-*
 15 *ington and Oregon in accordance with the authority pro-*
 16 *vided under section 3(l) of Public Law 91–383 (112 Stat.*
 17 *3522; 16 U.S.C. 1a–2).*

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

19 (a) *IN GENERAL.*—*Public Law 85–435 (72 Stat. 153;*
 20 *16 U.S.C. 450mm et seq.), regarding the establishment and*
 21 *administration of Fort Clatsop National Memorial, is re-*
 22 *pealed.*

23 (b) *REFERENCES.*—*Any reference in any law (other*
 24 *than this title), regulation, document, record, map or other*
 25 *paper of the United States to “Fort Clatsop National Me-*

1 morial” shall be considered a reference to the “Lewis and
2 Clark National Historical Park”.

3 **SEC. 106. PRIVATE PROPERTY PROTECTION.**

4 (a) *ACCESS TO PRIVATE PROPERTY.*—Nothing in this
5 title shall be construed to—

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

9 (2) modify any provision of Federal, State, or
10 local law with regard to public access to or use of pri-
11 vate lands.

12 (b) *LIABILITY.*—Designation of the park shall not be
13 considered to create any liability, or to have any effect on
14 any liability under any other law, of any private property
15 owner with respect to any persons injured on such private
16 property.

17 (c) *RECOGNITION OF AUTHORITY TO CONTROL LAND*
18 *USE.*—Nothing in this title shall be construed to modify
19 any authority of Federal, State, or local governments to reg-
20 ulate the use of private land within the boundary of the
21 park.

22 **SEC. 107. AUTHORIZATION OF APPROPRIATIONS.**

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

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

SEC. 201. DESIGNATION OF ADDITIONAL SITES FOR STUDY.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of the Interior shall update, with an accompanying map, the 1958 Lewis and Clark National Historic Landmark theme study to determine the historical significance of the eastern sites of the Corps of Discovery expedition used by Meriwether Lewis and William Clark, whether independently or together, in the preparation phase starting at Monticello, Virginia, and traveling to Wood River, Illinois, and the return phase from Saint Louis, Missouri, to Washington, District of Columbia, including sites in Virginia, Washington, District of Columbia, Maryland, Delaware, Pennsylvania, West Virginia, Ohio, Kentucky, Tennessee, Indiana, and Illinois.

(2) FOCUS OF UPDATE; NOMINATION AND ADDITION OF PROPERTIES.—The focus of the study under paragraph (1) shall be on developing historic context information to assist in the evaluation and identification, including the use of plaques, of sites eligible for listing in the National Register of Historic Places or designation as a National Historic Landmark.

1 (b) *REPORT.*—Not later than 1 year after funds are
2 made available for the study under this section, the Sec-
3 retary shall submit to the Committee on Resources in the
4 House of Representatives and the Committee on Energy and
5 Natural Resources in the Senate a report describing any
6 findings, conclusions, and recommendations of the study.

7 **SEC. 202. AUTHORIZATION OF APPROPRIATIONS.**

8 *There are authorized to be appropriated such sums as*
9 *may be necessary to carry out this title.*

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