

108TH CONGRESS
2D SESSION

S. 2167

AN ACT

To establish the Lewis and Clark National Historical Park in the States of Washington and 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 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Lewis and Clark Na-
5 tional Historical Park Act of 2004”.

1 **SEC. 2. PURPOSE.**

2 The purpose of this Act is to establish the Lewis and
3 Clark National Historical Park to—

4 (1) preserve for the benefit of the people of the
5 United States the historic, cultural, scenic, and nat-
6 ural resources associated with the arrival of the
7 Lewis and Clark Expedition in the lower Columbia
8 River area; and

9 (2) commemorate the winter encampment of
10 the Lewis and Clark Expedition in the winter of
11 1805–1806 following the successful crossing of the
12 North American Continent.

13 **SEC. 3. DEFINITIONS.**

14 In this Act:

15 (1) MAP.—The term “map” means the map en-
16 titled “Lewis and Clark National Historical Park,
17 Boundary Map”, numbered 405/80027, and dated
18 December, 2003.

19 (2) MEMORIAL.—The term “Memorial” means
20 the Fort Clatsop National Memorial established
21 under section 1 of Public Law 85–435 (16 U.S.C.
22 450mm).

23 (3) PARK.—The term “Park” means the Lewis
24 and Clark National Historical Park established by
25 section 4(a).

1 (4) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 **SEC. 4. LEWIS AND CLARK NATIONAL HISTORICAL PARK.**

4 (a) ESTABLISHMENT.—There is established as a unit
5 of the National Park System the Lewis and Clark Na-
6 tional Historical Park in the States of Washington and
7 Oregon, as depicted on the map.

8 (b) COMPONENTS.—The Park shall consist of—

9 (1) the Memorial, including—

10 (A) the site of the salt cairn (lot number
11 18, block 1, Cartwright Park Addition of Sea-
12 side, Oregon) used by the Lewis and Clark Ex-
13 pedition; and

14 (B) portions of the trail used by the Lewis
15 and Clark Expedition that led overland from
16 Fort Clatsop to the Pacific Ocean;

17 (2) the parcels of land identified on the map as
18 “Fort Clatsop 2002 Addition Lands”; and

19 (3) the parcels of land located along the lower
20 Columbia River in the State of Washington that are
21 associated with the arrival of the Lewis and Clark
22 Expedition at the Pacific Ocean in 1805 and that
23 are identified on the map as—

24 (A) “Station Camp”;

25 (B) “Clark’s Dismal Nitch”; and

1 (C) “Cape Disappointment”.

2 (c) AVAILABILITY OF MAP.—The map shall be on file
3 and available for public inspection in the appropriate of-
4 fices of the National Park Service.

5 (d) ACQUISITION OF LAND.—

6 (1) IN GENERAL.—The Secretary may acquire
7 land, an interest in land, and any improvements to
8 land located within the boundary of the Park.

9 (2) MEANS.—Subject to paragraph (3), an ac-
10 quisition of land under paragraph (1) may be made
11 by donation, purchase with donated or appropriated
12 funds, exchange, transfer from any Federal agency,
13 or by any other means that the Secretary determines
14 to be in the public interest.

15 (3) CONSENT OF OWNER.—

16 (A) IN GENERAL.—Except as provided in
17 subparagraph (B), no land, interest in land, or
18 improvement to land to may be acquired under
19 paragraph (1) without the consent of the owner.

20 (B) EXCEPTION.—The corporately-owned
21 timberland in the area described in subsection
22 (b)(2) may be acquired without the consent of
23 the owner.

24 (4) MEMORANDUM OF UNDERSTANDING.—If
25 the owner of the timberland described in paragraph

1 (2)(B) agrees to sell the timberland to the Secretary
2 either as a result of a condemnation proceeding or
3 without any condemnation proceeding, the Secretary
4 shall enter into a memorandum of understanding
5 with the owner with respect to the manner in which
6 the timberland is to be managed after acquisition of
7 the timberland by the Secretary.

8 (5) CAPE DISAPPOINTMENT.—

9 (A) TRANSFER.—

10 (i) IN GENERAL.—Subject to valid
11 rights (including withdrawals), the Sec-
12 retary shall transfer to the Director of the
13 National Park Service management of any
14 Federal land at Cape Disappointment,
15 Washington, that is within the boundary of
16 the Park.

17 (ii) WITHDRAWN LAND.—

18 (I) NOTICE.—The head of any
19 Federal agency that has administra-
20 tive jurisdiction over withdrawn land
21 at Cape Disappointment, Washington,
22 within the boundary of the Park shall
23 notify the Secretary in writing if the
24 head of the Federal agency does not
25 need the withdrawn land.

1 (II) TRANSFER.—On receipt of a
2 notice under subclause (I), the with-
3 drawn land shall be transferred to the
4 administrative jurisdiction of the Sec-
5 retary, to be administered as part of
6 the Park.

7 (B) MEMORIAL TO THOMAS JEFFERSON.—

8 (i) IN GENERAL.—All withdrawals of
9 the 20-acre parcel depicted on the map as
10 “Memorial to Thomas Jefferson” are re-
11 voked.

12 (ii) ESTABLISHMENT.—The Secretary
13 shall establish a memorial to Thomas Jef-
14 ferson on the parcel referred to in clause
15 (i).

16 (C) MANAGEMENT OF CAPE DISAPPOINT-
17 MENT STATE PARK LAND.—The Secretary may
18 enter into an agreement with the State of
19 Washington providing for the administration by
20 the State of the land within the boundary of the
21 Park known as “Cape Disappointment State
22 Park”.

23 **SEC. 5. ADMINISTRATION.**

24 (a) IN GENERAL.—The Secretary shall administer
25 the Park in accordance with—

1 (1) this Act; and

2 (2) the laws generally applicable to units of the
3 National Park System, including—

4 (A) the Act of August 25, 1916 (16 U.S.C.
5 1 et seq.); and

6 (B) the Act of August 21, 1935 (16 U.S.C.
7 461 et seq.).

8 (b) MANAGEMENT PLAN.—Not later than 3 years
9 after funds are made available to carry out this Act, the
10 Secretary shall prepare an amendment to the general
11 management plan for the Memorial to address the man-
12 agement of the Park.

13 (c) COOPERATIVE MANAGEMENT AGREEMENTS.—To
14 facilitate the presentation of a comprehensive picture of
15 the experiences of the Lewis and Clark Expedition in the
16 lower Columbia River area and to promote more efficient
17 administration of the sites associated with those experi-
18 ences, the Secretary may, in accordance with section 3(l)
19 of Public Law 91–383 (16 U.S.C. 1a–2(l)), enter into co-
20 operative management agreements with appropriate offi-
21 cials in the States of Washington and Oregon.

22 **SEC. 6. REPEALS; REFERENCES.**

23 (a) IN GENERAL.—Public Law 85–435 (72 Stat.
24 153; 16 U.S.C. 450mm et seq.) is repealed.

1 (b) REFERENCES.—Any reference to Fort Clatsop
2 National Memorial in a law (including regulations), map,
3 document, paper, or other record shall be considered to
4 be a reference to the Lewis and Clark National Historical
5 Park.

6 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

7 There are authorized to be appropriated such sums
8 as are necessary to carry out this Act.

Passed the Senate September 15, 2004.

Attest:

Secretary.

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