

108TH CONGRESS  
2D SESSION

# S. 2167

To establish the Lewis and Clark National Historical Park in the States of Washington and Oregon, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 4, 2004

Ms. CANTWELL (for herself, Mr. SMITH, Mrs. MURRAY, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

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”.

6       **SEC. 2. PURPOSE.**

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

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

6           (2) commemorate the winter encampment of  
7           the Lewis and Clark Expedition in the winter of  
8           1805–1806 following the successful crossing of the  
9           North American Continent.

10 **SEC. 3. DEFINITIONS.**

11       In this Act:

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

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

20           (3) PARK.—The term “Park” means the Lewis  
21           and Clark National Historical Park established by  
22           section 4(a).

23           (4) SECRETARY.—The term “Secretary” means  
24           the Secretary of the Interior.

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

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

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

7 (1) the Memorial, including—

8 (A) the site of the salt cairn (lot number  
9 18, block 1, Cartwright Park Addition of Sea-  
10 side, Oregon) used by the Lewis and Clark Ex-  
11 pedition; and

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

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

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

22 (A) “Station Camp”;

23 (B) “Clark’s Dismal Nitch”; and

24 (C) “Memorial to Thomas Jefferson”.

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

4 (d) ACQUISITION OF LAND.—

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

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

14 (3) CONSENT OF OWNER.—

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

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

23 (4) MEMORANDUM OF UNDERSTANDING.—If  
24 the owner of the timberland described in paragraph  
25 (2)(B) agrees to sell the timberland to the Secretary

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

7           (5) ACQUISITION OF ADDITIONAL LAND.—

8           (A) IN GENERAL.—In addition to the land  
 9       authorized to be acquired under paragraph (1),  
 10      the National Park Service is authorized to ac-  
 11      quire by transfer Federal land at Cape Dis-  
 12      appointment, Washington.

13          (B) MANAGEMENT.—The National Park  
 14      Service shall enter into a cooperative manage-  
 15      ment agreement with the State of Washington  
 16      under section 5(c) to provide for the manage-  
 17      ment of the land acquired under subparagraph  
 18      (A) as a State park.

19   **SEC. 5. ADMINISTRATION.**

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

22          (1) this Act; and

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

1 (A) the Act of August 25, 1916 (16 U.S.C.  
2 1 et seq.); and

3 (B) the Act of August 21, 1935 (16 U.S.C.  
4 461 et seq.).

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

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

19 **SEC. 6. REPEALS; REFERENCES.**

20 (a) IN GENERAL.—Public Law 85–435 (72 Stat.  
21 153; 16 U.S.C. 450mm et seq.) is repealed.

22 (b) REFERENCES.—Any reference to Fort Clatsop  
23 National Memorial in a law (including regulations), map,  
24 document, paper, or other record of the shall be considered

1 to be a reference to the Lewis and Clark National Histor-  
2 ical Park.

3 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

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

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