

Calendar No. 678108TH CONGRESS
2D SESSION**S. 2167****[Report No. 108-322]**

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

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

AUGUST 25, 2004

Reported under authority of the order of the Senate of July 22, 2004, by Mr. DOMENICI, with amendments

[Omit the part struck through and insert the part printed in *italic*]

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. PURPOSE.**

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

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

12 (2) commemorate the winter encampment of
13 the Lewis and Clark Expedition in the winter of
14 1805–1806 following the successful crossing of the
15 North American Continent.

16 **SEC. 3. DEFINITIONS.**

17 In this Act:

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

22 (2) MEMORIAL.—The term “Memorial” means
23 the Fort Clatsop National Memorial established
24 under section 1 of Public Law 85–435 (16 U.S.C.
25 450mm).

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

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

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

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

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

12 (1) the Memorial, including—

13 (A) the site of the salt cairn (lot number
14 18, block 1, Cartwright Park Addition of Sea-
15 side, Oregon) used by the Lewis and Clark Ex-
16 pedition; and

17 (B) portions of the trail used by the Lewis
18 and Clark Expedition that led overland from
19 Fort Clatsop to the Pacific Ocean;

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

22 (3) the parcels of land located along the lower
23 Columbia River in the State of Washington that are
24 associated with the arrival of the Lewis and Clark

1 Expedition at the Pacific Ocean in 1805 and that
2 are identified on the map as—

3 (A) “Station Camp”;

4 (B) “Clark’s Dismal Nitch”; and

5 ~~(C) “Memorial to Thomas Jefferson”.~~

6 (C) “*Cape Disappointment*”.

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

10 (d) ACQUISITION OF LAND.—

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

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

20 (3) CONSENT OF OWNER.—

21 (A) IN GENERAL.—Except as provided in
22 subparagraph (B), no land, interest in land, or
23 improvement to land to may be acquired under
24 paragraph (1) without the consent of the owner.

1 (B) EXCEPTION.—The corporately-owned
2 timberland in the area described in subsection
3 (b)(2) may be acquired without the consent of
4 the owner.

5 (4) MEMORANDUM OF UNDERSTANDING.—If
6 the owner of the timberland described in paragraph
7 (2)(B) agrees to sell the timberland to the Secretary
8 either as a result of a condemnation proceeding or
9 without any condemnation proceeding, the Secretary
10 shall enter into a memorandum of understanding
11 with the owner with respect to the manner in which
12 the timberland is to be managed after acquisition of
13 the timberland by the Secretary.

14 ~~(5) ACQUISITION OF ADDITIONAL LAND.—~~

15 ~~(A) IN GENERAL.—In addition to the land~~
16 ~~authorized to be acquired under paragraph (1),~~
17 ~~the National Park Service is authorized to ac-~~
18 ~~quire by transfer Federal land at Cape Dis-~~
19 ~~appointment, Washington.~~

20 ~~(B) MANAGEMENT.—The National Park~~
21 ~~Service shall enter into a cooperative manage-~~
22 ~~ment agreement with the State of Washington~~
23 ~~under section 5(e) to provide for the manage-~~
24 ~~ment of the land acquired under subparagraph~~
25 ~~(A) as a State park.~~

1 (5) *CAPE DISAPPOINTMENT.*—

2 (A) *TRANSFER.*—

3 (i) *IN GENERAL.*—*Subject to valid*
4 *rights (including withdrawals), the Sec-*
5 *retary shall transfer to the Director of the*
6 *National Park Service management of any*
7 *Federal land at Cape Disappointment,*
8 *Washington, that is within the boundary of*
9 *the Park.*

10 (ii) *WITHDRAWN LAND.*—

11 (I) *NOTICE.*—*The head of any*
12 *Federal agency that has administrative*
13 *jurisdiction over withdrawn land at*
14 *Cape Disappointment, Washington,*
15 *within the boundary of the Park shall*
16 *notify the Secretary in writing if the*
17 *head of the Federal agency does not*
18 *need the withdrawn land.*

19 (II) *TRANSFER.*—*On receipt of a*
20 *notice under subclause (I), the with-*
21 *drawn land shall be transferred to the*
22 *administrative jurisdiction of the Sec-*
23 *retary, to be administered as part of*
24 *the Park.*

25 (B) *MEMORIAL TO THOMAS JEFFERSON.*—

1 (i) *IN GENERAL.*—*All withdrawals of*
2 *the 20-acre parcel depicted on the map as*
3 *“Memorial to Thomas Jefferson” are re-*
4 *voked.*

5 (ii) *ESTABLISHMENT.*—*The Secretary*
6 *shall establish a memorial to Thomas Jeffer-*
7 *son on the parcel referred to in clause (i).*

8 (C) *MANAGEMENT OF CAPE DISAPPOINT-*
9 *MENT STATE PARK LAND.*—*The Secretary may*
10 *enter into an agreement with the State of Wash-*
11 *ington providing for the administration by the*
12 *State of the land within the boundary of the*
13 *Park known as “Cape Disappointment State*
14 *Park”.*

15 **SEC. 5. ADMINISTRATION.**

16 (a) *IN GENERAL.*—*The Secretary shall administer*
17 *the Park in accordance with—*

18 (1) *this Act; and*

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

21 (A) *the Act of August 25, 1916 (16 U.S.C.*
22 *1 et seq.); and*

23 (B) *the Act of August 21, 1935 (16 U.S.C.*
24 *461 et seq.).*

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

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

15 **SEC. 6. REPEALS; REFERENCES.**

16 (a) IN GENERAL.—Public Law 85–435 (72 Stat.
17 153; 16 U.S.C. 450mm et seq.) is repealed.

18 (b) REFERENCES.—Any reference to Fort Clatsop
19 National Memorial in a law (including regulations), map,
20 document, paper, or other record shall be considered to
21 be a reference to the Lewis and Clark National Historical
22 Park.

23 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

24 There are authorized to be appropriated such sums
25 as are necessary to carry out this Act.

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