AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

108TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPORT
108–570

LEWIS AND CLARK NATIONAL HISTORICAL PARK DESIGNATION ACT

JUNE 25, 2004.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources, submitted the following

R E P O R T

[To accompany H.R. 3819]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3819) 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, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

TITLE I—LEWIS AND CLARK NATIONAL HISTORICAL PARK DESIGNATION ACT

SEC. 101. SHORT TITLE.

This title may be cited as the "Lewis and Clark National Historical Park Designation Act".

SEC. 102. DEFINITIONS.

As used in this title:

(1) PARK.—The term "park" means the Lewis and Clark National Historical Park designed in section 103.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 103. LEWIS AND CLARK NATIONAL HISTORICAL PARK.

(a) DESIGNATION.—In order to preserve for the benefit of the people of the United States the historic, cultural, scenic, and natural resources associated with the arrival of the Lewis and Clark Expedition in the lower Columbia River area, and for the purpose of commemorating the culmination and the winter encampment of the

Lewis and Clark Expedition in the winter of 1805–1806 following its successful crossing of the North American Continent, there is designated as a unit of the National Park System the Lewis and Clark National Historical Park.

(b) BOUNDARIES.—The boundaries of the park are those generally depicted on the map entitled "Lewis and Clark National Historical Park, Boundary Map", numbered 405/80027, and dated December 2003, and which includes—

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

(2) lands identified as "Fort Clatsop 2002 Addition Lands" on the map referred to in this subsection; and

(3) lands located along the lower Columbia River in the State of Washington associated with the arrival of the Lewis and Clark Expedition at the Pacific Ocean in 1805, which are identified as "Station Camp", "Clark's Dismal Nitch", and a "Memorial to Thomas Jefferson" on the map referred to in this subsection.

(c) ACQUISITION OF LAND.—

(1) AUTHORIZATION.—The Secretary is authorized to acquire land, interests in land, and improvements therein within the boundaries of the park, as identified on the map referred to in subsection (b), by donation, purchase with donated or appropriated funds, exchange, transfer from any Federal agency, or by such other means as the Secretary deems to be in the public interest.

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

(3) ACQUISITION OF FORT CLATSOP 2002 ADDITION LANDS.—If the owner of corporately owned timberlands within the area identified as "Fort Clatsop 2002 Addition Lands" on the map referred to in subsection (b) agrees to enter into a sale of such lands as a result of actual condemnation proceedings or in lieu of condemnation proceedings, the Secretary shall enter into a memorandum of understanding with the owner regarding the manner in which such lands shall be managed after acquisition by the United States.

(4) CAPE DISAPPOINTMENT.—After the withdrawal of any of the Federal lands from operation of the public land laws at Cape Disappointment in the State of Washington is relinquished by the Army Corps of Engineers or the United States Coast Guard, administrative jurisdiction over those lands shall be resumed by the Secretary. After administrative jurisdiction is resumed, the Secretary, acting through the Director of the National Park Service, shall enter into cooperative management agreements with appropriate officials in the State of Washington pursuant to section 104(c) to manage those Federal lands as a State park.

(d) MAP AVAILABILITY.—The map referred to in subsection (b) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

SEC. 104. ADMINISTRATION.

(a) IN GENERAL.—The park shall be administered by the Secretary in accordance with this title and with laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

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

(c) COOPERATIVE MANAGEMENT.—In order to facilitate the presentation of a comprehensive picture of the Lewis and Clark Expedition's experiences in the lower Columbia River area and to promote more efficient administration of the sites associated with those experiences, the Secretary may enter into cooperative management agreements with appropriate officials in the States of Washington and Oregon in accordance with the authority provided under section 3(l) of Public Law 91–383 (112 Stat. 3522; 16 U.S.C. 1a–2).

SEC. 105. REPEAL OF SUPERSEDED LAW.

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

(b) REFERENCES.—Any reference in any law (other than this title), regulation, document, record, map or other paper of the United States to "Fort Clatsop National Memorial" shall be considered a reference to the "Lewis and Clark National Historical Park".

SEC. 106. PRIVATE PROPERTY PROTECTION.

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

(1) require any private property owner to permit public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private lands.

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

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify any authority of Federal, State, or local governments to regulate the use of private land within the boundary of the park.

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as 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.

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

SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

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

PURPOSE OF THE BILL

The purpose of H.R. 3819 is 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.

BACKGROUND AND NEED FOR LEGISLATION

Public Law 85–435 (72 Stat. 153; 16 U.S.C. 450mm et seq.) established the Fort Clatsop National Memorial for "preserving for the benefit of the people of the United States the historic, cultural, scenic, and natural resources associated with the arrival of the Lewis and Clark Expedition in the lower Columbia River area, and for the purpose of commemorating the culmination, and the winter

encampment, of the Lewis and Clark Expedition in the winter of 1805–1806 following its successful crossing of the North American Continent."

Title I of the bill designates the Lewis and Clark National Historic Park. Included within the Park is the Fort Clatsop National Memorial plus additional specified lands. The bill also authorizes the Secretary to acquire land, interests in land, and improvements, by purchase with donated or appropriated funds, exchange, transfer from any federal agency, or by such other means as the Secretary deems to be in the public interest. The purpose of these acquisitions is to preserve the historic, cultural, scenic and natural resources associated with the arrival of the Lewis and Clark Expedition in the lower Columbia River area and to commemorate the culmination and the winter encampment of the Lewis and Clark Expedition following its successful crossing of the North American continent.

Land identified for acquisition, and contained within the boundaries of the map on file with the National Park Service totals 560 acres. This total is comprised of 390 acres through easements with willing sellers, 45 acres donated by the State of Washington, and 10 acres that would be transferred from the federal government. The remaining 160 acres would be acquired in fee or easement from willing sellers.

The bill also allows the Secretary to enter into cooperative agreements with appropriate officials in the States of Washington and Oregon to facilitate the preservation of a comprehensive picture of the Lewis and Clark Exhibition's experiences in the lower Columbia River area and promote more efficient administration of the sites associated with those experiences.

Title II of the bill creates the Lewis and Clark Eastern Legacy Study. The study requires that the Secretary of the Interior 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 Lewis and 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. The focus of the study 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.

COMMITTEE ACTION

H.R. 3819 was introduced by Congressman Brian Baird (D-WA) on February 24, 2004. The bill was referred to the Committee on Resources and within the Committee to the Subcommittee on National Parks, Recreation and Public Lands. On April 22, 2004, the Subcommittee on National Parks, Recreation and Public Lands met to mark up the bill. No amendments were offered and the bill was then forwarded to the Full Resources Committee by unanimous consent. On May 5, 2004, the Full Committee on Resources met to

consider the bill. Chairman Richard Pombo (R-CA) offered an amendment in the nature of a substitute to clarify the transfer of existing federal land to the National Park Service, and to authorize additional eastern sites of the Lewis and Clark Expedition for study. The amendment was agreed to by unanimous consent. The bill as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8, of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is 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.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 17, 2004.

Hon. RICHARD W. POMBO,
Chairman, Committee on Resources,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3819, the Lewis and Clark National Historical Park Designation Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

ELIZABETH M. ROBINSON
(For Douglas Holtz-Eakin, Director).

Enclosure.

H.R. 3819—Lewis and Clark National Historical Park Designation Act

H.R. 3819 would redesignate the Fort Clatsop National Memorial in Oregon as the Lewis and Clark National Historical Park and expand its boundaries to include three sites in the state of Washington. The bill would authorize the National Park Service (NPS) to acquire real property within the boundaries of the historical park by purchase, donation, exchange, or transfer. Under the bill, the NPS (after receiving funding) would have three years to update the existing general management plan for Fort Clatsop and one year to complete a study of eastern sites associated with the Lewis and Clark expedition. Finally, the bill would authorize the appropriation of whatever amounts are necessary for these purposes.

Based on information provided by the NPS and assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 3819 would cost the federal government $7.5 million over the next four years. Of this amount, we estimate that the NPS would use $2 million in 2006 to purchase land (or other property interests such as easements) in Washington. The NPS would need an estimated $4 million over the following two years to develop new interpretive and visitor facilities on that property and on lands to be donated by the state or transferred by other federal agencies. We expect that spending of the remaining $1.5 million would be spread over the 2005–2008 period to revise or develop planning documents, carry out the required study of eastern sites, and manage newly acquired areas. Finally, CBO estimates that managing the new sites would increase annual park operating and maintenance costs by $400,000 a year beginning in 2009, also assuming the availability of appropriated funds. Enacting this legislation would have no effect on federal revenues or direct spending.

H.R. 3819 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no significant costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omit-

ted is enclosed in black brackets and existing law in which no change is proposed is shown in roman):

ACT OF MAY 29, 1958

(Public Law 85–436)

AN ACT To provide for the establishment of Fort Clatsop National Memorial in the State of Oregon, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [That, for the purpose of commemorating the culmination, and the winter enactment, of the Lewis and Clark Expedition following its successful crossing of the North American Continent, there is hereby authorized to be established, in the manner provided herein, Fort Clatsop National Memorial.

[SEC. 2. (a) INITIAL DESIGNATION OF LANDS.—The Secretary of the Interior shall designate for inclusion in Fort Clatsop National Memorial land and improvements thereon located in Clatsop County, Oregon, which are associated with the winter encampment of the Lewis and Clark Expedition, known as Fort Clatsop, including the site of the salt cairn (specifically, lot number 18, block 1, Cartwright Park Addition of Seaside, Oregon) utilized by that expedition and adjacent portions of the old trail which led overland from the fort to the coast.

[(b) AUTHORIZED EXPANSION.—The Fort Clatsop National Memorial shall also include the lands depicted on the map entitled "Fort Clatsop Boundary Map", numbered "405–80026C–CCO", and dated June 1996.

[(c) MAXIMUM DESIGNATED AREA.—The total area designated as the Fort Clatsop National Memorial shall not exceed 1,500 acres.

[SEC. 3. (a) ACQUISITION METHODS.—Within the area designated pursuant to section 2, the Secretary of the Interior is authorized to acquire land and interests in land by purchase, donation, with donated funds, or by such other means as he deems to be in the public interest.

[(b) LIMITATION.—The lands (other than corporately owned timberlands) depicted on the map referred to in section 2(b) may be acquired by the Secretary of the Interior only by donation or purchase from willing sellers.

[SEC. 4. (a) ADMINISTRATION.—Fort Clatsop National Memorial shall be administered by the Secretary of the Interior pursuant to the Act of August 25, 1916 (39 Stat. 535), as amended.

[(b) MEMORANDUM OF UNDERSTANDING.—If the owner of corporately owned timberlands depicted on the map referred to in section 2(b) agrees to enter into a sale of such lands as a result of actual condemnation proceedings or in lieu of condemnation proceedings, the Secretary of the Interior shall enter into a memorandum of understanding with the owner regarding the manner in which such lands will be managed after acquisition by the United States.]

○