

§ 410kkk-1. 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 "Cape Disappointment" 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 condemna-

tion 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.

(d) Cape Disappointment

(1) Transfer

Subject to valid rights (including withdrawals), the Secretary shall transfer to the Director of the National Park Service management of any Federal land at Cape Disappointment, Washington, that is within the boundary of the park.

(2) Withdrawn land

(A) Notice

The head of any Federal agency that has administrative jurisdiction over withdrawn land at Cape Disappointment, Washington, within the boundary of the park shall notify the Secretary in writing if the head of the Federal agency does not need the withdrawn land.

(B) Transfer

On receipt of a notice under subparagraph (A), the withdrawn land shall be transferred to the administrative jurisdiction of the Secretary, to be administered as part of the park.

(3) Memorial to Thomas Jefferson

All withdrawals of the 20-acre parcel depicted as a "Memorial to Thomas Jefferson" on the map referred to in subsection (b) are revoked, and the Secretary shall establish a memorial to Thomas Jefferson on the parcel.

(4) Management of Cape Disappointment State Park land

The Secretary may enter into an agreement with the State of Washington providing for the administration by the State of the land within the boundary of the park known as "Cape Disappointment State Park".

(e) 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.

(Pub. L. 108-387, title I, §103, Oct. 30, 2004, 118 Stat. 2234.)

REFERENCES IN TEXT

Public Law 85-435, referred to in subsec. (b)(1), is Pub. L. 85-435, May 29, 1958, 72 Stat. 153, which enacted sections 450mm to 450mm-3 of this title and was repealed by Pub. L. 108-387, title I, §105(a), Oct. 30, 2004, 118 Stat. 2236. For complete classification of this Act to the Code, see Tables.

FORT CLATSOP NATIONAL MEMORIAL

Pub. L. 107-221, §2, Aug. 21, 2002, 116 Stat. 1333, provided that: "The Congress finds the following:

"(1) Fort Clatsop National Memorial is the only unit of the National Park System solely dedicated to the Lewis and Clark Expedition.

"(2) In 1805, the members of the Lewis and Clark Expedition built Fort Clatsop at the mouth of the Columbia River near Astoria, Oregon, and they spent 106 days at the fort waiting for the end of winter and preparing for their journey home.

"(3) In 1958, Congress enacted Public Law 85-435 [former sections 450mm to 450mm-3 of this title] au-

thorizing the establishment of Fort Clatsop National Memorial for the purpose of commemorating the culmination, and the winter encampment, of the Lewis and Clark Expedition following its successful crossing of the North American continent.

“(4) The 1995 General Management Plan for Fort Clatsop National Memorial, prepared with input from the local community, recommends the expansion of the memorial to include the trail used by expedition members to access the Pacific Ocean from the fort and the shore and forest lands surrounding the fort and trail to protect their natural settings.

“(5) Expansion of Fort Clatsop National Memorial requires Federal legislation because the size of the memorial is currently limited by statute to 130 acres.

“(6) Congressional action to allow for the expansion of Fort Clatsop National Memorial to include the trail to the Pacific Ocean would be timely and appropriate before the start of the bicentennial celebration of the Lewis and Clark Expedition planned to take place during the years 2004 through 2006.”

[References to Fort Clatsop National Memorial considered to be references to Lewis and Clark National Historical Park, see section 410kkk-3 of this title.]

§ 410kkk-2. Administration

(a) In general

The park shall be administered by the Secretary in accordance with this subchapter 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.)¹ and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).¹

(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 101703 of title 54.

(Pub. L. 108-387, title I, §104, Oct. 30, 2004, 118 Stat. 2236.)

REFERENCES IN TEXT

This subchapter, referred to in subsec. (a), was in the original “this title”, meaning title I of Pub. L. 108-387, Oct. 30, 2004, 118 Stat. 2234, which is classified principally to this subchapter. For complete classification of title I to the Code, see Short Title note set out under section 410kkk of this title and Tables.

The Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), referred to in subsec. (a), is act Aug. 25, 1916, ch. 408, 39 Stat. 535, which enacted sections 1, 2, 3, and 4 of this title, amended sections 22 and 43 of this title and section 1457 of Title 43, Public Lands, and enacted provisions set out as a note under section 1 of this title. Sections 1 to 4 of the Act were repealed and restated as section 1865(a) of Title 18, Crimes and Criminal Procedure, and section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of Title 54, National

Park Service and Related Programs, by Pub. L. 113-287, §§3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

The Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.), referred to in subsec. (a), is act Aug. 21, 1935, ch. 593, 49 Stat. 666, known as the Historic Sites Act of 1935 and also as the Historic Sites, Buildings, and Antiquities Act, which enacted sections 461 to 467 of this title. The Act was repealed and restated as section 1866(a) of Title 18, Crimes and Criminal Procedure, and sections 102303 and 102304 and chapter 3201 of Title 54, National Park Service and Related Programs, by Pub. L. 113-287, §§3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

CODIFICATION

In subsec. (c), “section 101703 of title 54” substituted for “section 3(l) of Public Law 91-383 (112 Stat. 3522; 16 U.S.C. 1a-2)” on authority of Pub. L. 113-287, §6(e), Dec. 19, 2014, 128 Stat. 3272, which Act enacted Title 54, National Park Service and Related Programs.

§ 410kkk-3. References

Any reference in any law (other than this subchapter), 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”.

(Pub. L. 108-387, title I, §105(b), Oct. 30, 2004, 118 Stat. 2236.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this title”, meaning title I of Pub. L. 108-387, Oct. 30, 2004, 118 Stat. 2234, which is classified principally to this subchapter. For complete classification of title I to the Code, see Short Title note set out under section 410kkk of this title and Tables.

§ 410kkk-4. Private property protection

(a) Access to private property

Nothing in this subchapter 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 subchapter 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.

(Pub. L. 108-387, title I, §106, Oct. 30, 2004, 118 Stat. 2236.)

REFERENCES IN TEXT

This subchapter, referred to in subsecs. (a) and (c), was in the original “this title”, meaning title I of Pub.

¹ See References in Text note below.