

VII. NATIONAL BATTLEFIELDS

1. Fort Donelson

PUBLIC LAW 108–367—OCT. 25, 2004

118 STAT. 1743

Public Law 108–367
108th Congress

An Act

To expand the boundaries of the Fort Donelson National Battlefield to authorize the acquisition and interpretation of lands associated with the campaign that resulted in the capture of the fort in 1862, and for other purposes.

Oct. 25, 2004
[S. 524]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Fort Donelson
National
Battlefield
Expansion Act of
2004.
Tennessee.
16 USC 428 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Fort Donelson National Battlefield Expansion Act of 2004”.

SEC. 2. FORT DONELSON NATIONAL BATTLEFIELD.

16 USC 428p.

(a) DESIGNATION; PURPOSE.—There exists as a unit of the National Park System the Fort Donelson National Battlefield to commemorate—

(1) the Battle of Fort Donelson in February 1862; and

(2) the campaign conducted by General Ulysses S. Grant and Admiral Andrew H. Foote that resulted in the capture of Fort Donelson by Union forces.

(b) BOUNDARIES.—The boundary of the Fort Donelson National Battlefield is revised to include the site of Fort Donelson and associated land that has been acquired by the Secretary of the Interior for administration by the National Park Service, including Fort Donelson National Cemetery, in Stewart County, Tennessee and the site of Fort Heiman and associated land in Calloway County, Kentucky, as generally depicted on the map entitled “Fort Donelson National Battlefield Boundary Adjustment” numbered 328/80024, and dated September 2003. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) EXPANSION OF BOUNDARIES.—The Fort Donelson National Battlefield shall also include any land acquired pursuant to section 3.

SEC. 3. LAND ACQUISITION RELATED TO FORT DONELSON NATIONAL BATTLEFIELD.

16 USC 428p–1.

(a) ACQUISITION AUTHORITY.—Subject to subsections (b) and (c), the Secretary of the Interior may acquire land, interests in land, and improvements thereon for inclusion in the Fort Donelson National Battlefield. Such land, interests in land, and improvements may be acquired by the Secretary only by purchase from willing sellers with appropriated or donated funds, by donation, or by exchange with willing owners.

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(b) **LAND ELIGIBLE FOR ACQUISITION.**—The Secretary of the Interior may acquire land, interests in land, and improvements thereon under subsection (a)—

(1) within the boundaries of the Fort Donelson National Battlefield described in section 2(b); and

(2) outside such boundaries if the land has been identified by the American Battlefield Protection Program as part of the battlefield associated with Fort Donelson or if the Secretary otherwise determines that acquisition under subsection (a) will protect critical resources associated with the Battle of Fort Donelson in 1862 and the Union campaign that resulted in the capture of Fort Donelson.

(c) **BOUNDARY REVISION.**—Upon acquisition of land or interests in land described in subsection (b)(2), the Secretary of the Interior shall revise the boundaries of the Fort Donelson National Battlefield to include the acquired property.

(d) **LIMITATION ON TOTAL ACREAGE OF PARK.**—The total area encompassed by the Fort Donelson National Battlefield may not exceed 2,000 acres.

16 USC 428p-2.

SEC. 4. ADMINISTRATION OF FORT DONELSON NATIONAL BATTLEFIELD.

The Secretary of the Interior shall administer the Fort Donelson National Battlefield in accordance with this Act and the laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (commonly known as the National Park Service Organic Act; 16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (commonly known as the Historic Sites, Buildings, and Antiquities Act; 16 U.S.C. 461 et seq.).

Contracts.

SEC. 5. RELATION TO LAND BETWEEN THE LAKES NATIONAL RECREATION AREA.

The Secretary of Agriculture and the Secretary of the Interior shall enter into a memorandum of understanding to facilitate cooperatively protecting and interpreting the remaining vestige of Fort Henry and other remaining Civil War resources in the Land Between the Lakes National Recreation Area affiliated with the Fort Donelson campaign.

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SEC. 6. CONFORMING AMENDMENT.

The first section of Public Law 86-738 (16 U.S.C. 428k) is amended by striking “Tennessee” and all that follows through the period at the end and inserting “Tennessee.”.

Approved October 25, 2004.

LEGISLATIVE HISTORY—S. 524:

SENATE REPORTS: No. 108-230 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 150 (2004):

May 19, considered and passed Senate.

Oct. 8, considered and passed House.

2. Wilson's Creek

PUBLIC LAW 108-394—OCT. 30, 2004

118 STAT. 2247

Public Law 108-394
108th Congress**An Act**

To amend Public Law 86-434 establishing Wilson's Creek National Battlefield in the State of Missouri to expand the boundaries of the park, and for other purposes.

Oct. 30, 2004
[H.R. 4481]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wilson's Creek National Battlefield Boundary Adjustment Act of 2004".

Wilson's Creek
National
Battlefield
Boundary
Adjustment Act
of 2004.
16 USC 430kk
note.

SEC. 2. EXPANSION OF BOUNDARIES, WILSON'S CREEK NATIONAL BATTLEFIELD, MISSOURI.

(a) BOUNDARY EXPANSION; PRIVATE PROPERTY PROTECTIONS.—The first section of Public Law 86-434 (16 U.S.C. 430kk) is amended—

(1) by striking "That the Secretary" and inserting the following:

"SECTION 1. WILSON'S CREEK NATIONAL BATTLEFIELD: ESTABLISHMENT AND ACQUISITION OF LANDS.

"(a) ESTABLISHMENT, INITIAL BOUNDARIES.—The Secretary"; and

(2) by adding at the end the following new subsections:

"(b) EXPANSION OF BOUNDARIES.—(1) The boundaries of the Wilson's Creek National Battlefield are revised to include lands and interests therein consisting of six parcels totaling 615 acres and identified as parcels '1, 2, 3, 4, 5, and 6' on the map entitled 'Wilson's Creek National Battlefield Proposed Boundary', numbered 410/80,037 and dated January 27, 2004. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

"(2) The Secretary is authorized to acquire the lands referred to in paragraph (1) by donation, by purchase from willing sellers with donated or appropriated funds, or by exchange. The Secretary may acquire by the same methods personal property associated with, and appropriate for, interpretation of the park.

"(c) ACCESS TO PRIVATE PROPERTY.—Nothing in this Act shall be construed to—

"(1) require any private property owner to allow 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 property.

"(d) LIABILITY.—The revision of the boundaries of the Wilson's Creek National Battlefield by subsection (b) shall not be considered

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to create any liability for, or to have any effect on any liability under any other law of, any owner of private property with respect to any person injured on that private property.

“(e) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this Act shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

“(f) PARTICIPATION OF PRIVATE PROPERTY OWNERS.—Nothing in this Act shall be construed to require the owner of any private property located within the boundaries of the Wilson’s Creek National Battlefield to participate in, or be associated with, the National Battlefield.

“(g) EFFECT OF EXPANSION.—The boundaries of the Wilson’s Creek National Battlefield, as revised by subsection (b), represent the area within which Federal funds appropriated for the purpose of this Act may be expended. The boundary revision shall not be construed to provide any nonexisting regulatory authority on land use within the National Battlefield or its viewshed by the Secretary or the National Park Service.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 3 of such Act (16 U.S.C. 430mm) is amended by adding at the end the following new sentence: “There are authorized to be appropriated such sums as may be necessary to carry out section 1(b).”.

Approved October 30, 2004.

LEGISLATIVE HISTORY—H.R. 4481 (S. 2432):

HOUSE REPORTS: No. 108-651 (Comm. on Resources).

SENATE REPORTS: No. 108-371 accompanying S. 2432 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 150 (2004):

Sept. 13, considered and passed House.

Oct. 10, considered and passed Senate.