

have been vested in the United States, such area or areas shall be, and they are, established, dedicated, and set apart as a public park for the benefit and inspiration of the people and shall be known as the Cumberland Gap National Historical Park: *Provided*, That the United States shall not purchase by appropriation of public moneys any lands within the aforesaid areas.

(June 11, 1940, ch. 304, §1, 54 Stat. 262; May 26, 1943, ch. 103, §1, 57 Stat. 85.)

#### AMENDMENTS

1943—Act May 26, 1943, omitted proviso relating to inclusion of certain specified lands.

### § 262. Total area; consent of Congress to acquisition of lands and property and transfer thereof to United States

The total area of the Cumberland Gap National Historical Park, as determined pursuant to this subchapter, shall comprise not less than six thousand acres and shall not exceed fifty thousand acres, and lands may be added to the park following its establishment within the aforesaid limitations. The park shall not include any land within the city limits of Middlesboro and Pineville, Kentucky; Cumberland Gap, Tennessee; which the proper officials thereof shall indicate to the Secretary of the Interior prior to the establishment of said park are required for expansion of said cities.

(a) The consent of Congress is given to the States of Tennessee, Kentucky, and Virginia to enter into a compact providing for (1) the acquisition of the lands, structures, and other property in the Cumberland Gap-Cumberland Ford areas referred to in section 261 of this title, and (2) the transfer of title to such lands, structures, and other property to the United States.

(b) The right to alter, amend, or repeal this section is expressly reserved.

(June 11, 1940, ch. 304, §2, 54 Stat. 263; May 26, 1943, ch. 103, §2, 57 Stat. 85.)

#### AMENDMENTS

1943—Act May 26, 1943, among other changes, inserted minimum acreage limitation in first par. and added pars. (a) and (b).

### § 263. Acceptance of donations

The Secretary of the Interior is authorized to accept donations of land, interests in land, buildings, structures, and other property within the boundaries of the said historical park as determined and fixed under this subchapter, and donations of funds for the purchase and maintenance thereof: *Provided*, That he may acquire on behalf of the United States out of any donated funds, by purchase at prices deemed by him reasonable, or by condemnation under the provisions of section 3113 of title 40, such tracts of land within said historical park as may be necessary for the completion thereof. The title to any lands or interests in lands to be acquired pursuant to this subchapter shall be satisfactory to the Secretary of the Interior.

(June 11, 1940, ch. 304, §3, 54 Stat. 263.)

#### CODIFICATION

“Section 3113 of title 40” substituted in text for “the Act of August 1, 1888” on authority of Pub. L. 107-217,

§5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

### § 264. Administration, protection, and development

The administration, protection, and development of the aforesaid national historical park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1, 2, 3, and 4 of this title, as amended.

(June 11, 1940, ch. 304, §4, 54 Stat. 263.)

#### TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

### § 265. Addition of lands

The Secretary of the Interior may acquire for addition to Cumberland Gap National Historical Park the following described land and interests in land, located in Bell County, Kentucky: *Provided*, That appropriated funds may not be used to pay more than one-half the cost of such acquisition.

Beginning at a concrete marker on the west boundary of Cumberland Gap National Historical Park and being on the south margin of Avondale Avenue in the city of Middlesboro, Kentucky, and also on the south bank of Davis Branch; thence along the park boundary the following courses and distances;

South 24 degrees 50 minutes west, 196.79 feet; thence south 30 degrees 02 minutes west, 129.95 feet to a stake; thence south 12 degrees 22 minutes west, 31.82 feet; thence south 80 degrees 38 minutes west, 143.36 feet; thence south 88 degrees 04 minutes west, 100 feet; thence north 86 degrees 14 minutes west, 100 feet; thence north 80 degrees 33 minutes west, 100 feet; thence north 77 degrees 42 minutes west, 186.40 feet;

Thence north 82 degrees 51 minutes west, 271.55 feet; thence leaving the park boundary and following along the south right-of-way of Clydesdale Avenue south 71 degrees 39 minutes west, 310 feet, more or less, to the north right-of-way of United States Highway 25E;

Thence along the said highway right-of-way south 82 degrees 09 minutes west, 317 feet, more or less, to its intersection with the north right-of-way of Clydesdale Avenue; thence along the north right-of-way of Clydesdale Avenue north 70 degrees 09 minutes east, 423 feet, more or less, to a point on the park boundary;

Thence with the park boundary the following courses and distances: south 86 degrees 39 minutes west, 261.44 feet; thence south 81 degrees 26 minutes west, 147.66 feet; thence north 6 degrees 55 minutes west, 49.23 feet; thence south 83 degrees 04 minutes west, 980 feet; thence north 6 degrees 55 minutes west, 135 feet, more or less, to a point in the middle of Little Yellow Creek;

Thence leaving the park boundary and up the center of the meanders of Little Yellow Creek, 2,562 feet, more or less, to a point in the middle

of Little Yellow Creek which is also a point in the middle of Davis Branch;

Thence leaving Little Yellow Creek and along the center of Davis Branch, 400 feet, more or less, to the south margin of Avondale Avenue; thence with the south right-of-way of Avondale Avenue south 55 degrees 44 minutes east, 5 feet, more or less, to the point of beginning, said tract containing 9.0 acres, more or less.

(Pub. L. 87-111, § 1, July 26, 1961, 75 Stat. 224.)

#### CODIFICATION

Section was not enacted as part of act June 11, 1940, ch. 304, 54 Stat. 262, which comprises this subchapter.

#### APPROPRIATIONS

Section 2 of Pub. L. 87-111 authorized to be appropriated such sums, but not more than \$30,000, as were necessary to carry out the provisions of this section.

### § 266. Authorization of appropriations for acquisition of additional lands

For the acquisition of lands authorized in section 267 of this title, there are authorized to be appropriated such sums as may be necessary, but not more than \$427,500.

(Pub. L. 93-477, title I, §101(3), Oct. 26, 1974, 88 Stat. 1445.)

#### CODIFICATION

Section was not enacted as part of act June 11, 1940, ch. 304, 54 Stat. 262, which comprises this subchapter.

### § 267. Authority of Secretary to acquire additional lands

Notwithstanding the provisions of this subchapter, the Secretary of the Interior is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange not to exceed 60 acres of land or interests in land located in Bell County, Kentucky, and Claiborne County, Tennessee, for addition to and inclusion in the said national historical park which, upon acquisition, shall become a part of the Cumberland National Historical Park subject to the laws, rules, and regulations governing such park.

(Pub. L. 93-477, title III, §301(2), Oct. 26, 1974, 88 Stat. 1446.)

#### CODIFICATION

Section was not enacted as part of act June 11, 1940, ch. 304, 54 Stat. 262, which comprises this subchapter.

### § 268. Authority of Secretary to acquire lands for trailheads

#### (a) Authority

Notwithstanding the Act of June 11, 1940 (16 U.S.C. 261 et seq.), the Secretary of the Interior is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange not to exceed 10 acres of land or interests in land, which shall consist of those necessary lands for the establishment of trailheads to be located at White Rocks and Chadwell Gap.

#### (b) Administration

Lands and interests in lands acquired pursuant to subsection (a) of this section shall be added to and administered as part of the Cumberland Gap National Historical Park.

(Pub. L. 104-333, div. I, title II, §216, Nov. 12, 1996, 110 Stat. 4112.)

#### REFERENCES IN TEXT

The act of June 11, 1940, referred to in subsec. (a), is act June 11, 1940, ch. 304, 54 Stat. 262, as amended, which is classified generally to this subchapter. For complete classification of this Act to the Code, see Tables.

#### CODIFICATION

Section was enacted as part of the Omnibus Parks and Public Lands Management Act of 1996, and not as part of act June 11, 1940, ch. 304, 54 Stat. 262, which comprises this subchapter.

### § 268a. Acquisition of Fern Lake watershed

#### (a) Short title

This section may be cited as the “Fern Lake Conservation and Recreation Act”.

#### (b) Findings and purposes

##### (1) Findings

The Congress finds the following:

(A) Fern Lake and its surrounding watershed in Bell County, Kentucky, and Claiborne County, Tennessee, is<sup>1</sup> within the potential boundaries of Cumberland Gap National Historical Park as originally authorized by the Act of June 11, 1940 (54 Stat. 262; 16 U.S.C. 261 et seq.).

(B) The acquisition of Fern Lake and its surrounding watershed and its inclusion in Cumberland Gap National Historical Park would protect the vista from Pinnacle Overlook, which is one of the park’s most valuable scenic resources and most popular attractions, and enhance recreational opportunities at the park.

(C) Fern Lake is the water supply source for the city of Middlesboro, Kentucky, and environs.

(D) The 4,500-acre Fern Lake watershed is privately owned, and the 150-acre lake and part of the watershed are currently for sale, but the Secretary of the Interior is precluded by the first section of the Act of June 11, 1940 (16 U.S.C. 261), from using appropriated funds to acquire the lands.

##### (2) Purposes

The purposes of the section are—

(A) to authorize the Secretary of the Interior to use appropriated funds if necessary, in addition to other acquisition methods, to acquire from willing sellers Fern Lake and its surrounding watershed, in order to protect scenic and natural resources and enhance recreational opportunities at Cumberland Gap National Historical Park; and

(B) to allow the continued supply of water from Fern Lake to the city of Middlesboro, Kentucky, and environs.

#### (c) Land acquisition and conveyance authority, Fern Lake, Cumberland Gap National Historical Park

##### (1) Definitions

In this section:

<sup>1</sup> So in original. Probably should be “are”.