

National Forest, located within and adjacent to the right-of-way for section 8A of the Foothills Parkway between Tennessee Highway Numbered 32 and the Pigeon River.

Upon publication in the Federal Register of an order of transfer by the Secretary of Agriculture, the lands so transferred shall be a part of the Great Smoky Mountains National Park and available for the scenic parkway as authorized by section 403h-11 of this title.

(Pub. L. 88-415, Aug. 10, 1964, 78 Stat. 388.)

**§ 403h-15. Conveyances to Tennessee of lands within Great Smoky Mountains National Park**

The Secretary of the Interior is authorized to convey to the State of Tennessee, subject to such conditions as he may deem necessary to preserve the natural beauty of the adjacent park lands, approximately twenty-eight acres of land comprising a portion of the right-of-way of Tennessee State Route 72 (U.S. 129), and approximately forty-one acres comprising portions of the right-of-way of Tennessee State Route 73 east of Gatlinburg, which are within the boundary of the Great Smoky Mountains National Park.

(Pub. L. 91-57, §1, Aug. 9, 1969, 83 Stat. 100.)

**§ 403h-16. Reconveyance of rights-of-way and lands for control of landslides along Gatlinburg Spur of the Foothills Parkway; conditions**

The Secretary is further authorized to convey to the State of Tennessee, subject to such conditions as he may deem necessary to assure administration and maintenance thereof by the State and to preserve the existing parkway character of the conveyed lands, the rights-of-way heretofore conveyed to the United States for the purposes of the Gatlinburg Spur of the Foothills Parkway together with any and all parcels of land heretofore conveyed by the State of Tennessee to the United States for the control and stabilization of landslides along said Gatlinburg Spur, except such lands as the Secretary determines may be necessary to provide for (1) the interchange between the road known as the Gatlinburg bypass and United States 441, (2) the interchange between United States Highway 441 and the Foothills Parkway in the vicinity of Caney Creek, and (3) the management and administration of the Foothills Parkway: *Provided*, That such reconveyance shall not be effected until construction of the Gatlinburg bypass and of two rock retaining walls to control erosion on the Gatlinburg Spur are completed, and Interstate Route 40 is open to public travel from Newport, Tennessee to United States Route 19 near Waynesville, North Carolina.

(Pub. L. 91-57, §2, Aug. 9, 1969, 83 Stat. 100.)

**§ 403h-17. Elimination of lands from Great Smoky Mountains National Park and Gatlinburg Spur of the Foothills Parkway**

The conveyance of the lands described in sections 403h-15 and 403h-16 of this title shall eliminate them from the park and parkway. Upon such conveyance and upon acceptance by the

State of Tennessee of legislative jurisdiction over the lands and notification of such acceptance being given to the Secretary of the Interior, such jurisdiction is retroceded to the State.

(Pub. L. 91-57, §3, Aug. 9, 1969, 83 Stat. 100.)

**§ 403i. Secretary of the Interior authorized to purchase necessary lands**

The Secretary of the Interior is authorized to acquire on behalf of the United States by purchase, at prices deemed by him to be reasonable, the lands needed to complete the Great Smoky Mountains National Park in the State of Tennessee, in accordance with the provisions of sections 403 and 403a to 403c of this title; and the Secretary of the Interior is further authorized, when in his opinion unreasonable prices are asked for any of such lands, to acquire the same by condemnation under the provisions of section 3113 of title 40.

(Feb. 12, 1938, ch. 27, §5, 52 Stat. 29.)

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.

**§ 403j. Authorization of appropriation**

There is authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$743,265.29 to complete the acquisition of lands within the limits of said park, such funds to be available until expended.

(Feb. 12, 1938, ch. 27, §6, 52 Stat. 29.)

**§ 403k. Boundary between Great Smoky Mountains National Park and Cherokee-Pisgah-Nantahala National Forests**

The portion of the boundary of the Great Smoky Mountains National Park that is common to and between the park and the Cherokee-Pisgah-Nantahala National Forests hereafter shall be as follows:

(a) Between the Pisgah National Forest and Great Smoky Mountains National Park the boundary shall be as follows: Beginning at a point where North Carolina State Highway Numbered 284 first crosses the Cataloochee Divide, said point being common to the boundary of said forest as described in Proclamation Numbered 2187 of July 10, 1936, and the boundary of said park, as authorized by sections 403 and 403a to 403c of this title; thence following the divide northeasterly to the summit of Bent Knee Knob; thence northwesterly and northerly following Trail Ridge and White Oak Mountain to a point where the present national forest boundary leaves White Oak Mountain and running with same northwesterly across Cataloochee Creek to the southeast corner of a tract of national park land and northwesterly through the same following the crest of the ridge next south of the east boundary of the said tract to the old road on the summit of Longarm Mountain; thence southwesterly and northwesterly follows the said road running with the top of Scottish Mountain and through a tract of national forest

land to the south boundary of a tract of national park land just east of Mount Sterling Gap; thence northerly following the south and east boundaries of the said tract of national park land to the northeast corner thereof; thence northeasterly through a tract of national forest land, following the crest of the ridge parallel to and east of Mount Sterling Creek to the summit of the ridge terminated by the juncture of Mount Sterling Creek with its south prong; thence northwesterly across Mount Sterling Creek to the summit northeast of Ivy Gap; thence westerly to a point where the westerly boundary of a tract of Forest Service land diverges from North Carolina State Highway Numbered 284; thence with the highway northerly to a point where North Carolina Highway Numbered 284 joins Tennessee Highway Numbered 75 at the State line;

(b) Between Nantahala National Forest and Great Smoky Mountains National Park, the boundary shall follow the boundary of said forest as described in Proclamation Numbered 2185 of July 9, 1936;

(c) Between Cherokee National Forest (Unaka Division) and Great Smoky Mountains National Park, the boundary shall follow the boundary of said forest as described in Proclamation Numbered 2183 of July 8, 1936.

(July 26, 1950, ch. 492, §1, 64 Stat. 377.)

#### § 403k-1. Laws applicable

Subject to valid existing rights, all lands within the boundaries of Great Smoky Mountains National Park, as redefined by sections 403k-2 of this title, hereafter shall be a part of the national park and shall be subject to all laws, rules, and regulations applicable to the national park. All federally owned lands eliminated from the national park by said sections shall hereafter be a part of the Pisgah National Forest and shall be subject to all laws, rules, and regulations relating to such national forest.

(July 26, 1950, ch. 492, §2, 64 Stat. 378.)

#### § 403k-2. Addition of lands to Great Smoky Mountains National Park

So much of the twenty-five-acre tract of land in Forney's Creek Township, Swain County, North Carolina, lying north of Lake Cheoah, proposed to be donated to the United States by the Carolina Aluminum Company, as now lies outside of the park boundaries authorized by sections 403 and 403a to 403c of this title, shall upon acceptance by the Secretary of the Interior, become a part of the Great Smoky Mountains National Park and shall be subject to all laws, rules, and regulations applicable to said park.

(July 26, 1950, ch. 492, §3, 64 Stat. 378.)

#### § 403k-3. Palmer's Chapel in Cataloochee Valley of Great Smoky Mountains National Park; protection and continued use; communication of Chapel history to visitors

The Secretary of the Interior is authorized and directed to take such measures as may be necessary to provide for the continued protection of the historic Palmer's Chapel in the Cataloochee

Valley of the Great Smoky Mountains National Park. The importance of the chapel in memorializing the early settlement of the valley and in providing an opportunity for interpreting the cultural traditions of the former residents of the valley is hereby recognized, and the Secretary is authorized to make suitable arrangements for the history of the chapel to be communicated to park visitors and for the chapel to continue to be used for memorial purposes by former residents and their descendants.

(Pub. L. 96-199, title I, §106, Mar. 5, 1980, 94 Stat. 69.)

### SUBCHAPTER XLVII—MAMMOTH CAVE NATIONAL PARK

#### § 404. Establishment; boundaries

When title to lands within the area referred to in this section shall have been vested in the United States in fee simple, there shall be, and there is, established, dedicated, and set apart as a public park for the benefit and enjoyment of the people, the tract of land in the Mammoth Cave region in the State of Kentucky, being approximately seventy thousand six hundred and eighteen acres, recommended as a National Park by the Southern Appalachian National Park Commission to the Secretary of the Interior, in its report of April 8, 1926, and made under authority of the Act of February 21, 1925 (chapter 281, 43 Statutes 958); which area, or any part or parts thereof as may be accepted on behalf of the United States in accordance with the provisions hereof, shall be known as the Mammoth Cave National Park: *Provided*, That the United States shall not purchase by appropriation of public moneys any land within the aforesaid area, but such lands shall be secured by the United States only by public or private donation.

(May 25, 1926, ch. 382, §1, 44 Stat. 635.)

#### REFERENCES IN TEXT

Act of February 21, 1925, referred to in text, was not classified to the Code.

#### § 404a. Acceptance of title to lands

The Secretary of the Interior is authorized, in his discretion, to accept, as hereinafter provided, on behalf of the United States, title to the lands referred to in section 404 of this title, and to be purchased with the funds which may be subscribed by or through the Mammoth Cave National Park Association of Kentucky, and with other contributions for the purchase of lands in the Mammoth Cave National Park area: *Provided*, That any of said lands may be donated directly to the United States and conveyed to it, cost free, by fee-simple title, in cases where such donations may be made without the necessity of purchase.

(May 25, 1926, ch. 382, §2, 44 Stat. 635.)

#### § 404b. Administration, protection, and development; Federal Power Act inapplicable; minimum area

The administration, protection, and development of the aforesaid park shall be exercised