

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 the Act of June 11, 1940 (54 Stat. 262), as amended (16 U.S.C. 261-265<sup>1</sup>), 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.)

#### REFERENCES IN TEXT

Act of June 11, 1940, referred to in text, is act June 11, 1940, ch. 304, 54 Stat. 262, which is classified gener-

ally to this subchapter. For complete classification of this Act to the Code, see Tables.

#### 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) 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,

<sup>1</sup> So in original. Probably should be "261-264".

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

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:

**(A) Fern Lake**

The term “Fern Lake” means Fern Lake located in Bell County, Kentucky, and Claiborne County, Tennessee.

**(B) Land**

The term “land” means land, water, interests in land, and any improvements on the land.

**(C) Park**

The term “park” means Cumberland Gap National Historical Park, as authorized and established by the Act of June 11, 1940 (54 Stat. 262; 16 U.S.C. 261 et seq.).

**(D) Secretary**

The term “Secretary” means the Secretary of the Interior, acting through the Director of the National Park Service.

**(2) Acquisition authorized**

The Secretary may acquire for addition to the park lands consisting of approximately 4,500 acres and containing Fern Lake and its surrounding watershed, as generally depicted on the map entitled “Cumberland Gap National Historical Park, Fern Lake Watershed”, numbered 380/80,004, and dated May 2001. The map shall be on file in the appropriate offices of the National Park Service.

**(3) Boundary adjustment and administration**

Subject to paragraph (4), the Secretary shall revise the boundaries of the park to include the land acquired under paragraph (2). The Secretary shall administer the acquired lands as part of the park in accordance with the laws and regulations applicable to the park.

**(4) Conveyance of Fern Lake**

**(A) Conveyance required**

If the Secretary acquires Fern Lake, the Secretary shall convey, notwithstanding any other law and without consideration, to the city of Middlesboro, Kentucky, all right, title, and interest of the United States in and to Fern Lake, up to the normal operat-

ing elevation of 1,200.4 feet above sea level, along with the dam and all appurtenances associated with the withdrawal and delivery of water from Fern Lake.

**(B) Terms of conveyance**

In executing the conveyance under subparagraph (4)(A), the Secretary may retain an easement for scenic and recreational purposes.

**(C) Reversionary interest**

In the event Fern Lake is no longer used as a source of municipal water supply for the city of Middlesboro, Kentucky, and its environs, ownership of Fern Lake shall revert to the United States and it shall be managed by the Secretary as part of the park.

**(5) Consultation requirements**

In order to better manage lands acquired under this section in a manner that will facilitate the provision of water for municipal needs, as well as the establishment and promotion of new recreational opportunities at the park, the Secretary shall consult with—

(A) appropriate officials in the States of Kentucky, Tennessee, and Virginia, and political subdivisions of these States;

(B) organizations involved in promoting tourism in these States; and

(C) other interested parties.

(Pub. L. 108-199, div. H, §150, Jan. 23, 2004, 118 Stat. 446.)

REFERENCES IN TEXT

This section and the section, referred to in subsecs. (a) and (b)(2), were in the original “This Act” and “the Act”, which were translated as meaning section 150 of Pub. L. 108-199, div. H, Jan. 23, 2004, 118 Stat. 446, to reflect the probable intent of Congress.

The act of June 11, 1940, referred to in subsecs. (b)(1)(A) and (c)(1)(C), 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 the Fern Lake Conservation and Recreation Act, and also as part of the Miscellaneous Appropriations and Offsets Act, 2004, and Consolidated Appropriations Act, 2004, and not as part of act June 11, 1940, ch. 304, 54 Stat. 262, which comprises this subchapter.

SUBCHAPTER XXIX—CANYONLANDS  
NATIONAL PARK

**§ 271. Establishment; description of area**

In order to preserve an area in the State of Utah possessing superlative scenic, scientific, and archeologic features for the inspiration, benefit, and use of the public, there is hereby established the Canyonlands National Park which, subject to valid existing rights, shall comprise the area generally depicted on the drawing entitled “Boundary Map, Canyonlands National Park, Utah”, numbered 164-91004 and dated June 1970, which shows the boundaries of the park having a total of approximately three hundred and thirty-seven thousand two hundred and fifty-eight acres. The map is on file and available for public inspection in the offices of the