

deemed guilty of a class B misdemeanor in accordance with provisions of title 18.

(Mar. 6, 1942, ch. 151, §3, 56 Stat. 136; Pub. L. 100-668, title I, §104(a), Nov. 16, 1988, 102 Stat. 3962.)

#### REFERENCES IN TEXT

This Act, referred to in text, is act Mar. 6, 1942, which is classified to sections 256 to 256i of this title. For complete classification of this Act to the Code, see Tables.

#### AMENDMENTS

1988—Pub. L. 100-668 substituted “a class B misdemeanor in accordance with provisions of title 18” for “a misdemeanor and shall be subject to a fine of not more than \$500 or imprisonment not exceeding six months, or both, and be adjudged to pay all the costs of the proceedings”.

#### § 256c. Forfeiture of property used in hunting, fishing, etc.

All guns, bows, traps, nets, seines, fishing tackle, clothing, teams, horses, machinery, logging equipment, motor vehicles, aircraft, boats, or means of transportation of every nature or description used by any person or persons or organizations within the limits of the park when engaged in or attempting to engage in killing, trapping, ensnaring, taking or capturing such wild birds, fish or animals, or taking, destroying or damaging such trees, plants, or mineral deposits contrary to the provisions of this Act or the rules and regulations promulgated by the Secretary of the Interior shall be forfeited to the United States and may be seized by the officers in the park and held pending prosecution of any person or persons or organization arrested under or charged with violating the provisions of this Act, and upon conviction under this Act of such persons or organizations using said guns, bows, traps, nets, seines, fishing tackle, clothing, teams, horses, machinery, logging equipment, motor vehicles, aircraft, boats, or other means of transportation of every nature and description used by any person or persons or organization, such forfeiture shall be adjudicated as a penalty in addition to the other punishment prescribed in this Act. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior: *Provided*, That the forfeiture of teams, horses, machinery, logging equipment, motor vehicles, aircraft, boats, or other means of transportation shall be in the discretion of the Court.

(Mar. 6, 1942, ch. 151, §4, 56 Stat. 136; Pub. L. 100-668, title I, §104(b), Nov. 16, 1988, 102 Stat. 3962.)

#### REFERENCES IN TEXT

This Act, referred to in text, is act Mar. 6, 1942, which is classified to sections 256 to 256i of this title. For complete classification of this Act to the Code, see Tables.

#### AMENDMENTS

1988—Pub. L. 100-668 amended section generally. Prior to amendment, section read as follows: “All guns, traps, nets, seines, fishing tackle, teams, horses, or means of transportation of every nature or description used by any person or persons within the limits of the

park when engaged in killing, trapping, ensnaring, taking, or capturing such wild birds, fish, or animals contrary to the provisions of this Act or the rules and regulations promulgated by the Secretary of the Interior shall be forfeited to the United States and may be seized by the officers in the park and held pending prosecution of any person or persons arrested under the charge of violating the provisions of this Act, and upon conviction under this Act of such person or persons using said guns, traps, nets, seines, fishing tackle, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment prescribed in this Act. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior: *Provided*, That the forfeiture of teams, horses, or other means of transportation shall be in the discretion of the court.”

#### §§ 256d to 256h. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948

Section 256d, acts Mar. 6, 1942, ch. 151, §5, 56 Stat. 137; Apr. 21, 1948, ch. 223, §4, 62 Stat. 197, related to appointment and jurisdiction of commissioner. See provisions covering United States magistrate judges in section 631 et seq. of Title 28, Judiciary and Judicial Procedure.

Section 256e, act Mar. 6, 1942, ch. 151, §6, 56 Stat. 137, related to issuance of process. See sections 3041 and 3141 of Title 18, Crimes and Criminal Procedure, and rules 4, 5(c), and 9 of Federal Rules of Criminal Procedure, Title 18, Appendix.

Section 256f, act Mar. 6, 1942, ch. 151, §7, 56 Stat. 137, related to commissioner's [now magistrate judge's] salary.

Section 256g, act Mar. 6, 1942, ch. 151, §8, 56 Stat. 137, related to certification and payment of fees, costs, and expenses.

Section 256h, act Mar. 6, 1942, ch. 151, §9, 56 Stat. 137, related to disposition of fines and costs.

#### § 256i. Notice to Governor of Washington; application of laws to subsequently accepted lands

The Secretary of the Interior shall notify in writing the Governor of the State of Washington of the passage and approval of this Act, and of the fact that the United States assumes police jurisdiction over the park. Upon the acceptance by the Secretary of the Interior of further cessions of jurisdiction over lands now or hereafter included in the Olympic National Park, the provisions of sections 256b and 256c of this title shall apply to such lands.

(Mar. 6, 1942, ch. 151, §10, 56 Stat. 137.)

#### REFERENCES IN TEXT

This Act, referred to in text, is act Mar. 6, 1942, which is classified to sections 256 to 256i of this title. For complete classification of this Act to the Code, see Tables.

#### SUBCHAPTER XXVIII—CUMBERLAND GAP NATIONAL HISTORICAL PARK

#### § 261. Establishment; description of area

When title to such lands, structures, and other property in the Cumberland Gap-Cumberland Ford areas, being portions of the Warriors Path of the Indians and Wilderness Road of Daniel Boone, within Bell and Harlan Counties, Kentucky; Lee County, Virginia; and Claiborne County, Tennessee; as may be determined by the Secretary of the Interior as necessary or desirable for national historical park purposes, shall

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”.

**(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 operating 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 National Park Service, Department of the Interior.

(Pub. L. 88–590, §1, Sept. 12, 1964, 78 Stat. 934; Pub. L. 92–154, §1(a), Nov. 12, 1971, 85 Stat. 421.)

## AMENDMENTS

1971—Pub. L. 92–154 substituted provision respecting revision of boundaries of the park and referring to Boundary Map on file and available for public inspection for depiction of the park area on the drawing, for prior specific detailed description of the area.

**§ 271a. Acquisition of lands; authority of Secretary; exchange of property; cash equalization payments; transfer from Federal agency to administrative jurisdiction of Secretary; lands subject to reclamation and power withdrawals**

Within the area which lies within the boundaries of the park, the Secretary of the Interior is authorized to acquire lands and interests in lands by such means as he may deem to be in the public interest. The Secretary may accept title to any non-Federal property within the park, including State-owned school sections and