

108TH CONGRESS  
1ST SESSION

# S. 898

To authorize the Secretary of the Interior to acquire Fern Lake and the surrounding watershed in the States of Kentucky and Tennessee for addition to Cumberland Gap National Historical Park, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

APRIL 11, 2003

Mr. McCONNELL (for himself and Mr. BUNNING) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To authorize the Secretary of the Interior to acquire Fern Lake and the surrounding watershed in the States of Kentucky and Tennessee for addition to Cumberland Gap National Historical Park, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

### 3   **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Fern Lake Conserva-  
5       tion and Recreation Act”.

### 6   **SEC. 2. FINDINGS AND PURPOSES.**

7       (a) FINDINGS.—The Congress finds the following:

1           (1) Fern Lake and its surrounding watershed  
2           in Bell County, Kentucky, and Claiborne County,  
3           Tennessee, is within the potential boundaries of  
4           Cumberland Gap National Historical Park as origi-  
5           nally authorized by the Act of June 11, 1940 (54  
6           Stat 262; 16 U.S.C. 261 et seq.).

7           (2) The acquisition of Fern Lake and its sur-  
8           rounding watershed and its inclusion in Cumberland  
9           Gap National Historical Park would protect the  
10          vista from Pinnacle Overlook, which is one of the  
11          park's most valuable scenic resources and most pop-  
12          ular attractions, and enhance recreational opportuni-  
13          ties at the park.

14          (3) Fern Lake is the water supply source for  
15          the City of Middlesboro, Kentucky, and environs.

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

22          (b) PURPOSES.—The purposes of the Act are—

23                (1) to authorize the Secretary of the Interior to  
24                use appropriated funds if necessary, in addition to  
25                other acquisition methods, to acquire from willing

1 sellers Fern Lake and its surrounding watershed in  
 2 order to protect scenic and natural resources and en-  
 3 hance recreational opportunities at Cumberland Gap  
 4 National Historical Park; and

5 (2) to allow the continued supply of safe, clean,  
 6 drinking water from Fern Lake to the City of  
 7 Middlesboro, Kentucky, and environs.

8 **SEC. 3. LAND ACQUISITION, FERN LAKE, CUMBERLAND GAP**  
 9 **NATIONAL HISTORICAL PARK.**

10 (a) DEFINITIONS.—In this section:

11 (1) FERN LAKE.—The term “Fern Lake”  
 12 means Fern Lake located in Bell County, Kentucky,  
 13 and Claiborne County, Tennessee.

14 (2) LAND.—The term “land” means land,  
 15 water, interests in land, and any improvements on  
 16 the land.

17 (3) PARK.—The term “park” means Cum-  
 18 berland Gap National Historical Park, as authorized  
 19 and established by the Act of June 11, 1940 (54  
 20 Stat 262; 16 U.S.C. 261 et seq.).

21 (4) SECRETARY.—The term “Secretary” means  
 22 the Secretary of the Interior, acting through the Di-  
 23 rector of the National Park Service.

24 (b) ACQUISITION AUTHORIZED.—The Secretary may  
 25 acquire for addition to the park lands consisting of ap-

1 proximately 4,500 acres and containing Fern Lake and  
 2 its surrounding watershed, as generally depicted on the  
 3 map entitled “Fern Lake Watershed Boundary Addition,  
 4 Cumberland Gap National Historical Park”, numbered  
 5 380/80,004, and dated May 2001. The map shall be on  
 6 file in the appropriate offices of the National Park Service.

7 (c) BOUNDARY ADJUSTMENT AND ADMINISTRA-  
 8 TION.—Subject to subsection (d), the Secretary shall re-  
 9 vise the boundaries of the park to include the land ac-  
 10 quired under subsection (b). The Secretary shall admin-  
 11 ister the acquired lands as part of the park in accordance  
 12 with the laws and regulations applicable to the park.

13 (d) CONVEYANCE OF FERN LAKE.—

14 (1) CONVEYANCE REQUIRED.—If the Secretary  
 15 acquires Fern Lake, the Secretary shall convey, not-  
 16 withstanding any other law and without consider-  
 17 ation, to the city of Middlesboro, Kentucky, all right,  
 18 title, and interest of the United States in and to  
 19 Fern Lake, up to the normal operating elevation of  
 20 1200.4 feet above sea level, along with the dam and  
 21 all appurtenances associated with the withdrawal  
 22 and delivery of water from Fern Lake.

23 (2) TERMS OF CONVEYANCE.—In executing the  
 24 conveyance under paragraph (1), the Secretary may

1 retain an easement for scenic and recreational pur-  
2 poses.

3 (3) REVERSIONARY INTEREST.—In the event  
4 Fern Lake is no longer used as a source of munic-  
5 ipal water supply for the city of Middlesboro, Ken-  
6 tucky, and its environs, ownership of Fern Lake  
7 shall revert to the United States and it shall be  
8 managed by the Secretary as part of the park.

9 (e) CONSULTATION REQUIREMENTS.—In order to  
10 better manage lands acquired under this section in a man-  
11 ner that will facilitate the provision of water for municipal  
12 needs, as well as the establishment and promotion of new  
13 recreational opportunities at the park, the Secretary shall  
14 consult with—

15 (1) appropriate officials in the States of Ken-  
16 tucky, Tennessee, and Virginia and political subdivi-  
17 sions of these States;

18 (2) organizations involved in promoting tourism  
19 in these States; and

20 (3) other interested parties.

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