

107TH CONGRESS  
1ST SESSION

# S. 1061

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

JUNE 19, 2001

Mr. McCONNELL 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 of 2001”.

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) AUTHORIZED ACQUISITION METHODS.—

8 (1) IN GENERAL.—Notwithstanding the Act of  
9 June 11, 1940 (16 U.S.C. 261 et seq.), the Sec-  
10 retary may acquire lands described in subsection (b)  
11 by donation, purchase with donated or appropriated  
12 funds, or exchange. However, the lands may be ac-  
13 quired only with the consent of the owner.

14 (2) EASEMENTS.—At the discretion of the Sec-  
15 retary, the Secretary may acquire land described in  
16 subsection (b) that is subject to an easement for the  
17 continued operation of providing the water supply  
18 for the City of Middlesboro, Kentucky, and environs.

19 (d) BOUNDARY ADJUSTMENT AND ADMINISTRA-  
20 TION.—Upon the acquisition of land under this section,  
21 the Secretary shall revise the boundaries of the park to  
22 include the land in the park. Subject to subsection (e),  
23 the Secretary shall administer the acquired lands as part  
24 of the park in accordance with the laws and regulations  
25 applicable to the park.

1 (e) SPECIAL ISSUES RELATED TO FERN LAKE.—

2 (1) PROTECTION OF WATER QUALITY.—The  
3 Secretary shall manage public recreational use of  
4 Fern Lake, if acquired by the Secretary, in a man-  
5 ner that is consistent with the protection of the lake  
6 as a source of safe, clean, drinking water.

7 (2) SALE OF WATER.—In the event the Sec-  
8 retary's acquisition of land includes the water supply  
9 of Fern Lake, the Secretary may enter into con-  
10 tracts to facilitate the sale and distribution of water  
11 from the lake for the municipal water supply for the  
12 City of Middlesboro, Kentucky, and environs. The  
13 Secretary shall ensure that the terms and conditions  
14 of any such contract is consistent with National  
15 Park Service policies for the protection of park re-  
16 sources. Proceeds from the sale of the water shall be  
17 available for expenditure by the Secretary at the  
18 park without further appropriation.

19 (3) CONSULTATION REQUIREMENTS.—In order  
20 to better manage Fern Lake and its surrounding  
21 watershed, if acquired by the Secretary, in a manner  
22 that will facilitate the provision of water for munic-  
23 ipal needs as well as the establishment and pro-  
24 motion of new recreational opportunities made pos-

1       sible by the addition of Fern Lake to the park, the  
2       Secretary shall consult with—

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

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

8               (C) other interested parties.

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