

Excerpts from “Land and Water Conservation Fund Act,” Public Law 88-578

AN ACT TO ESTABLISH A LAND AND WATER CONSERVATION FUND TO ASSIST THE STATES AND FEDERAL AGENCIES IN MEETING PRESENT AND FUTURE OUTDOOR RECREATION DEMANDS AND NEEDS OF THE AMERICAN PEOPLE, AND FOR OTHER PURPOSES, 1964 (78 Stat. 897)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**TITLE I—LAND AND WATER:
CONSERVATION PROVISIONS**

SHORT TITLE AND STATEMENT OF PURPOSES

SECTION 1. (a) CITATION: EFFECTIVE DATE.—This Act may be cited as the "Land and Water Conservation Fund Act of 1965" and shall become effective on January 1, 1965.

(b) PURPOSES.—The purposes of this Act are to assist in preserving, developing, and assuring accessibility to all citizens of the United States of America of present and future generations and visitors who are lawfully present within the boundaries of the United States of America such quality and quantity of outdoor recreation resources as may be available and are necessary and desirable for individual active participation in such recreation and to strengthen the health and vitality of the citizens of the United States by

(1) providing funds for and authorizing Federal assistance to the States in planning, acquisition, and development of needed land and water areas and facilities and

(2) providing funds for the Federal acquisition and development of certain lands and other areas.

FINANCIAL ASSISTANCE TO STATES

SEC. 5. GENERAL AUTHORITY; PURPOSES. —(a) The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to provide financial assistance to the States from moneys available for State purposes. Payments may be made to the States by the Secretary as hereafter provided, subject to such terms and conditions as he considers appropriate and in the public interest to carry out the purposes of this Act, for outdoor recreation: (1) planning, (2) acquisition of land, waters, or interests in land or waters, or (3) development.

(b) APPORTIONMENT AMONG STATES; NOTIFICATION. — Sums appropriated and available for State purposes for each fiscal year shall be apportioned among the several States by the Secretary, whose determination shall be final, in accordance with the following formula:

(1) two-fifths shall be apportioned equally among the several States; and

(2) three-fifths shall be apportioned on the basis of need to individual States by the Secretary in such amounts as in his judgment will best accomplish the purposes of this Act. The determination of need shall include among other things a consideration of the proportion which the population of each State bears to the total population of the United States and of the use of outdoor recreation resources of individual States by persons from outside the State as well as a consideration of the Federal resources and programs in the particular States.

(d) COMPREHENSIVE STATE PLAN REQUIRED; PLANNING PROJECTS.—A comprehensive statewide outdoor recreation plan shall be required prior to the consideration by the Secretary of financial assistance for acquisition or development projects. The plan shall be adequate if, in the judgment of the Secretary, it encompasses and will promote the purposes of this Act..

(e) PROJECTS FOR LAND AND WATER ACQUISITION;

DEVELOPMENT.—In addition to assistance for planning projects, the Secretary may provide financial assistance to any State for the following types of projects or combinations thereof if they are in accordance with the State comprehensive plan;

(1) ACQUISITION OF LAND AND WATERS. —For the acquisition of land, waters, or interests in land or waters (other than land waters, or interests in land or waters acquired from the United States for less than fair market value), but not including incidental costs relating to acquisition.

(2) DEVELOPMENT—For development, including but not limited to site planning and the development of Federal lands under lease to States for terms of twenty-five years or more.

ALLOCATION OF MONEYS FOR FEDERAL PURPOSES

SEC. 6. (a) Money appropriated from the fund for Federal purposes, shall, unless otherwise allotted in the appropriation Act making them available, be allotted by the President to the following purposes and subpurposes in substantially the same proportion as the number of visitor-days in areas and projects hereinafter described for which admission fees are charged under section 2 of this Act:

(1) For the acquisition of land, waters, or interests in land or waters as follows:

NATIONAL PARK SYSTEM; RECREATION AREAS.—Within the exterior boundaries of areas of the national park system now or hereafter authorized or established and of areas now or hereafter authorized to be administered by the Secretary of the Interior for outdoor recreation purposes.

NATIONAL FOREST SYSTEM. — Inholdings within (a) wilderness areas of the National Forest System, and (b) other areas of national forests as the boundaries of those forests exist on the effective date of this Act which other areas are primarily of value for outdoor recreation purposes: *Provided*, That lands outside of but adjacent to an existing national forest boundary,

not to exceed five hundred acres in the case of any one forest, which would comprise an integral part of a forest recreational management area may also be acquired with moneys appropriated from this fund.

Source: 88th United States Congress. "Land and Water Conservation Fund Act, Public Law 88-578." National Park Service: ParkNet. *America's National Park System: The Critical Documents*. Last Modified October 25, 2000.

http://www.cr.nps.gov/history/online_books/anps/anps_6c.htm