

Public Law 95-42
95th Congress

An Act

June 10, 1977

[H.R. 5306]

To amend the Land and Water Conservation Fund Act of 1965, and for other purposes.

Land and Water
Conservation
Fund Act of
1965,
amendments.
16 USC 4601-4
note.
16 USC 4601-5.
Appropriation
authorization.
16 USC 4601-7.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Land and Water Conservation Fund Act of 1965 (78 Stat. 987), as amended (16 U.S.C. 4601-4 et seq.), is further amended as follows:

(1) Section 2(c) (1) is amended by deleting "\$600,000,000 for fiscal year 1978, \$750,000,000 for fiscal year 1979, and \$900,000,000 for fiscal year 1980" and inserting in lieu thereof "and \$900,000,000 for fiscal year 1978".

(2) Section 5 is amended by adding the following at the end thereof: "Those appropriations from the fund up to and including \$600,000,000 in fiscal year 1978 and up to and including \$750,000,000 in fiscal year 1979 shall continue to be allocated in accordance with this section. There shall be credited to a special account within the fund \$300,000,000 in fiscal year 1978 and \$150,000,000 in fiscal year 1979 from the amounts authorized by section 2 of this Act. Amounts credited to this account shall remain in the account until appropriated. Appropriations from the special account shall be available only with respect to areas existing and authorizations enacted prior to the convening of the Ninety-fifth Congress, for acquisition of lands, waters, or interests in lands or waters within the exterior boundaries, as aforesaid, of—

"(1) the national park system;

"(2) national scenic trails;

"(3) the national wilderness preservation system;

"(4) federally administered components of the National Wild and Scenic Rivers System; and

"(5) national recreation areas administered by the Secretary of Agriculture."

16 USC 460 1-9.

(3) Section 7(a) is amended by adding the following new paragraph:

"(3) Appropriations allotted for the acquisition of land, waters, or interests in land or waters as set forth under the headings 'NATIONAL PARK SYSTEM; RECREATION AREAS' and 'NATIONAL FOREST SYSTEM' in paragraph (1) of this subsection shall be available therefor notwithstanding any statutory ceiling on such appropriations contained in any other provision of law enacted prior to the convening of the Ninety-fifth Congress; except that for any such area expenditures may not exceed a statutory ceiling during any one fiscal year by 10 per centum of such ceiling or \$1,000,000, whichever is greater. The Secretary of the Interior shall, prior to the expenditure of funds which would cause a statutory ceiling to be exceeded by \$1,000,000 or more, and with respect to each expenditure of \$1,000,000 or more in excess of such a ceiling, provide written notice of such proposed expenditure not less than thirty calendar days in advance to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate."

Notice to
congressional
committees.

(4) Section 7(b) is amended by changing the period at the end thereof to a colon and adding the following: "*Provided, however,* That appropriations from the fund may be used for preacquisition work in instances where authorization is imminent and where substantial monetary savings could be realized."

16 USC 460l-9.

(5) Section 7 is amended by adding the following new subsection:

"(c) **BOUNDARY CHANGES: DONATIONS.**—Whenever the Secretary of the Interior determines that to do so will contribute to, and is necessary for, the proper preservation, protection, interpretation, or management of an area of the national park system, he may, following timely notice in writing to the Committee on Interior and Insular Affairs of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate of his intention to do so, and by publication of a revised boundary map or other description in the Federal Register, (i) make minor revisions of the boundary of the area, and moneys appropriated from the fund shall be available for acquisition of any lands, waters, and interests therein added to the area by such boundary revision subject to such statutory limitations, if any, on methods of acquisition and appropriations thereof as may be specifically applicable to such area: *Provided, however,* That such authority shall expire ten years from the date of enactment of the authorizing legislation establishing such boundaries; and (ii) acquire by donation, purchase with donated funds, transfer from any other Federal agency, or exchange, lands, waters, or interests therein adjacent to such area, except that in exercising his authority under this clause (ii) the Secretary may not alienate property administered as part of the national park system in order to acquire lands by exchange, the Secretary may not acquire property without the consent of the owner, and the Secretary may acquire property owned by a State or political subdivision thereof only by donation. Prior to making a determination under this subsection, the Secretary shall consult with the duly elected governing body of the county, city, town, or other jurisdiction or jurisdictions having primary taxing authority over the land or interest to be acquired as to the impacts of such proposed action, and he shall also take such steps as he may deem appropriate to advance local public awareness of the proposed action. Lands, waters, and interests therein acquired in accordance with this subsection shall be administered as part of the area to which they are added, subject to the laws and regulations applicable thereto."

Notice to
congressional
committees.
Publication in
Federal Register.

Consultation.

Administration.

Land acquisition.

SEC. 2. (a) (1) For the purpose of improving the effectiveness and efficiency of the management of the Roosevelt National Forest, Colorado, and coordinating the acquisition of lands within the forest which are suitable for such management with the acquisition of lands for parks and recreation purposes pursuant to subsection (b) of this section, the Secretary of Agriculture is authorized to acquire those privately owned lands within the boundaries of the forest which are suitable for national forest purposes and which were adversely affected by the Big Thompson flood of July 31, 1976, and such other adjacent private lands within the boundaries of the forest as are available and suitable for national forest purposes.

Fair market
value.

42 USC 4001
note.

(2) Lands identified for acquisition pursuant to paragraph (1) of this subsection which lie within the Big Thompson/North Fork Floodways, designated pursuant to the National Flood Insurance Act of 1968 (82 Stat. 572), as amended, shall be acquired at the fair market value of such lands (not including any improvements thereon) immediately prior to the occurrence of the flood: *Provided*, That such lands shall (i) be unimproved, or (ii) include structures which have sustained damage amounting to 50 per centum or more of their market value.

(3) Lands identified for acquisition pursuant to paragraph (1) of this subsection which are not lands described in paragraph (2) of this subsection shall be acquired at no less than appraised fair market value based on an appraisal of each parcel of such lands approved by the Secretary of Agriculture under the authority of section 11 of the Act of August 3, 1956 (70 Stat. 1034, U.S.C. 428a(a)).

Funds,
availability.

(4) Moneys appropriated to carry out this subsection shall be available until expended or until January 1, 1980, whichever is earlier.

16 USC 4601-8.
16 USC 4601-4.

(b) Notwithstanding any other provision of law, in the case of lands acquired for the Big Thompson/North Fork Canyons Recreational Lands Acquisition Project in Larimer County, Colorado, for which financial assistance is authorized under section 6(e)(1) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 987, as amended; 16 U.S.C. 4601-4 et seq.), if such lands are located within the Big Thompson/North Fork Floodways and are (i) unimproved or (ii) include structures which have sustained damage amounting to 50 per centum or more of their market value, such assistance may be provided for an amount equal to the market value of such lands (not including any improvements thereon) immediately prior to the occurrence of the Big Thompson flood of July 31, 1976.

Approved June 10, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-156 (Comm. on Interior and Insular Affairs).

SENATE REPORT No. 95-162 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Apr. 4, considered and passed House.

May 18, considered and passed Senate, amended.

May 25, House concurred in certain Senate amendments; concurred with amendment in another.

May 26, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 25:

June 11, Presidential statement.