

115TH CONGRESS
2D SESSION

S. 2074

AN ACT

To establish a procedure for the conveyance of certain Federal property around the Jamestown Reservoir in the State of North Dakota, 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,*

1 **SECTION 1. DEFINITIONS.**

2 In this Act:

3 (1) **BOARD.**—The term “Board” means the
4 Stutsman County Park Board in Jamestown, North
5 Dakota.

6 (2) **GAME AND FISH HEADQUARTERS.**—The
7 term “game and fish headquarters” means the land
8 depicted as “Game and Fish Headquarters” on the
9 Map.

10 (3) **JAMESTOWN RESERVOIR.**—The term
11 “Jamestown Reservoir” means the Jamestown Res-
12 ervoir constructed as a unit of the Missouri-Souris
13 Division, Pick-Sloan Missouri Basin Program, as au-
14 thorized by section 9 of the Act of December 22,
15 1944 (commonly known as the “Flood Control Act
16 of 1944”) (58 Stat. 891, chapter 665).

17 (4) **MANAGEMENT AGREEMENT.**—The term
18 “Management Agreement” means the management
19 agreement entitled “Management Agreement be-
20 tween the United States of America and Stutsman
21 County Park Board for the Management, Develop-
22 ment, Operation and Maintenance of Recreation and
23 Related Improvements and Facilities at Jamestown
24 Reservoir Stutsman County, North Dakota”, num-
25 bered 15–LM–60–2255, and dated February 17,
26 2015.

1 (5) MAP.—The term “Map” means the map
2 prepared by the Bureau of Reclamation, entitled
3 “Jamestown Reservoir”, and dated May 2018.

4 (6) PERMITTED CABIN LAND.—The term “per-
5 mitted cabin land” means the land depicted as “Per-
6 mitted Cabin Lands” on the Map.

7 (7) PROPERTY.—The term “property” means
8 any cabin site located on permitted cabin land for
9 which a permit is in effect on the date of enactment
10 of this Act.

11 (8) RECREATION LAND.—The term “recreation
12 land” means the land depicted as “Recreation and
13 Public Purpose Lands” on the Map.

14 (9) SECRETARY.—The term “Secretary” means
15 the Secretary of the Interior, acting through the
16 Commissioner of Reclamation.

17 (10) STATE.—The term “State” means the
18 State of North Dakota, acting through the North
19 Dakota Game and Fish Department.

20 **SEC. 2. CONVEYANCES TO STUTSMAN COUNTY PARK**
21 **BOARD.**

22 (a) CONVEYANCES TO STUTSMAN COUNTY PARK
23 BOARD.—

24 (1) IN GENERAL.—Subject to the management
25 requirements of paragraph (3) and the easements

1 and reservations under section 4, not later than 5
2 years after the date of enactment of this Act, the
3 Secretary shall convey to the Board all right, title,
4 and interest of the United States in and to—

5 (A) the recreation land; and

6 (B) the permitted cabin land.

7 (2) COSTS.—

8 (A) IN GENERAL.—Except as provided in
9 subparagraph (B), the Secretary shall convey
10 the land described in paragraph (1) at no cost.

11 (B) TITLE TRANSFER; LAND SURVEYS.—
12 As a condition of the conveyances under para-
13 graph (1), the Board shall agree to pay all sur-
14 vey and other administrative costs necessary for
15 the preparation and completion of any patents
16 for, and transfers of title to, the land described
17 in paragraph (1).

18 (3) MANAGEMENT.—

19 (A) RECREATION LAND.—The Board shall
20 manage the recreation land conveyed under
21 paragraph (1)—

22 (i) for recreation and public purposes
23 consistent with the Act of June 14, 1926
24 (commonly known as the “Recreation and

1 Public Purposes Act”) (44 Stat. 741,
2 chapter 578; 43 U.S.C. 869 et seq.);

3 (ii) for public access;

4 (iii) for fish and wildlife habitat; or

5 (iv) to preserve the natural character
6 of the recreation land.

7 (B) PERMITTED CABIN LAND.—The Board
8 shall manage the permitted cabin land conveyed
9 under paragraph (1)—

10 (i) for cabins or recreational resi-
11 dences in existence as of the date of enact-
12 ment of this Act; or

13 (ii) for any of the recreation land
14 management purposes described in sub-
15 paragraph (A).

16 (4) HAYING AND GRAZING.—With respect to
17 recreation land conveyed under paragraph (1) that is
18 used for haying or grazing authorized by the Man-
19 agement Agreement as of the date of enactment of
20 this Act, the Board may continue to permit haying
21 and grazing in a manner that is permissible under
22 the 1 or more haying or grazing contracts in effect
23 as of the date of enactment of this Act.

24 (b) REVERSION.—If a parcel of land conveyed under
25 subparagraph (A) or (B) of subsection (a)(1) is used in

1 a manner that is inconsistent with the requirements de-
2 scribed in subparagraph (A) or (B), respectively, of sub-
3 section (a)(3), the parcel of land shall, at the discretion
4 of the Secretary, revert to the United States.

5 (c) SALE OF PERMITTED CABIN LAND BY BOARD.—

6 (1) IN GENERAL.—If the Board sells any parcel
7 of permitted cabin land conveyed under subsection
8 (a)(1)(B), the parcel shall be sold at fair market
9 value, as determined by a third-party appraiser in
10 accordance with the Uniform Standards of Profes-
11 sional Appraisal Practice, subject to paragraph (2).

12 (2) IMPROVEMENTS.—For purposes of an ap-
13 praisal conducted under paragraph (1), any improve-
14 ments on the permitted cabin land made by a permit
15 holder shall not be included in the appraised value
16 of the land.

17 (3) PROCEEDS FROM THE SALE OF LAND BY
18 THE BOARD.—If the Board sells a parcel of per-
19 mitted cabin land conveyed under subsection
20 (a)(1)(B), the Board shall pay to the Secretary the
21 amount of any proceeds of the sale that exceed the
22 costs of preparing the sale by the Board.

23 (d) AVAILABILITY OF FUNDS TO THE SECRETARY.—

24 Any amounts paid to the Secretary for land conveyed by
25 the Secretary under this Act shall be made available to

1 the Secretary, without further appropriation, for activities
 2 relating to the operation of the Jamestown Dam and Res-
 3 ervoir.

4 **SEC. 3. CONVEYANCE OF GAME AND FISH HEADQUARTERS**
 5 **TO THE STATE.**

6 (a) CONVEYANCE OF GAME AND FISH HEAD-
 7 QUARTERS.—Not later than 5 years after the date of en-
 8 actment of this Act, the Secretary shall convey to the
 9 State all right, title, and interest of the United States in
 10 and to the game and fish headquarters, on the condition
 11 that the game and fish headquarters continue to be used
 12 as a game and fish headquarters or substantially similar
 13 purposes.

14 (b) REVERSION.—If land conveyed under subsection
 15 (a) is used in a manner that is inconsistent with the re-
 16 quirements described in that subsection, the land shall, at
 17 the discretion of the Secretary, revert to the United
 18 States.

19 **SEC. 4. RESERVATIONS, EASEMENTS, AND OTHER OUT-**
 20 **STANDING RIGHTS.**

21 (a) IN GENERAL.—Each conveyance to the Board or
 22 the State pursuant to this Act shall be made subject to—

- 23 (1) valid existing rights;
- 24 (2) operational requirements of the Pick-Sloan
 25 Missouri River Basin Program, as authorized by sec-

1 tion 9 of the Act of December 22, 1944 (commonly
2 known as the “Flood Control Act of 1944”) (58
3 Stat. 891, chapter 665), including the Jamestown
4 Reservoir;

5 (3) any flowage easement reserved by the
6 United States to allow full operation of the James-
7 town Reservoir for authorized purposes;

8 (4) reservations described in the Management
9 Agreement;

10 (5) oil, gas, and other mineral rights reserved
11 of record, as of the date of enactment of this Act,
12 by, or in favor of, the United States or a third
13 party;

14 (6) any permit, license, lease, right-of-use, flow-
15 age easement, or right-of-way of record in, on, over,
16 or across the applicable property or Federal land,
17 whether owned by the United States or a third
18 party, as of the date of enactment of this Act;

19 (7) a deed restriction that prohibits building
20 any new permanent structure on property below an
21 elevation of 1,454 feet; and

22 (8) the granting of applicable easements for—

23 (A) vehicular access to the property; and

24 (B) access to, and use of, all docks, boat-
25 houses, ramps, retaining walls, and other im-

1 provements for which access is provided in the
2 permit for use of the property as of the date of
3 enactment of this Act.

4 (b) LIABILITY; TAKING.—

5 (1) LIABILITY.—The United States shall not be
6 liable for flood damage to a property subject to a
7 permit, the Board, or the State, or for damages arising
8 out of any act, omission, or occurrence relating
9 to a permit holder, the Board, or the State, other
10 than for damages caused by an act or omission of
11 the United States or an employee, agent, or contractor
12 of the United States before the date of enactment
13 of this Act.

14 (2) TAKING.—Any temporary flooding or flood
15 damage to the property of a permit holder, the
16 Board, or the State, shall not be considered to be a
17 taking by the United States.

18 **SEC. 5. INTERIM REQUIREMENTS.**

19 During the period beginning on the date of enactment
20 of this Act and ending on the date of conveyance of a prop-
21 erty or parcel of land under this Act, the provisions of
22 the Management Agreement that are applicable to the
23 property or land, or to leases between the State and the

- 1 Secretary, and any applicable permits, shall remain in
- 2 force and effect.

Passed the Senate October 4, 2018.

Attest:

Secretary.

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