

In the House of Representatives, U. S.,

November 13, 2018.

Resolved, That the bill from the Senate (S. 2074) entitled “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.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

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 term*
7 *“game and fish headquarters” means the land de-*
8 *picted as “Game and Fish Headquarters” on the*
9 *Map.*

10 (3) *JAMESTOWN RESERVOIR.*—*The term “James-*
11 *town Reservoir” means the Jamestown Reservoir con-*
12 *structed as a unit of the Missouri-Souris Division,*
13 *Pick-Sloan Missouri Basin Program, as authorized*
14 *by section 9 of the Act of December 22, 1944 (com-*

1 *monly known as the “Flood Control Act of 1944”) (58*
2 *Stat. 891, chapter 665).*

3 (4) *MANAGEMENT AGREEMENT.—The term*
4 *“Management Agreement” means the management*
5 *agreement entitled “Management Agreement between*
6 *the United States of America and Stutsman County*
7 *Park Board for the Management, Development, Oper-*
8 *ation and Maintenance of Recreation and Related*
9 *Improvements and Facilities at Jamestown Reservoir*
10 *Stutsman County, North Dakota”, numbered 15–LM–*
11 *60–2255, and dated February 17, 2015.*

12 (5) *MAP.—The term “Map” means the map pre-*
13 *pared by the Bureau of Reclamation, entitled “James-*
14 *town Reservoir”, and dated May 2018.*

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

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

22 (8) *RECREATION LAND.—The term “recreation*
23 *land” means the land depicted as “Recreation and*
24 *Public Purpose Lands” on the Map.*

1 (9) *SECRETARY.*—*The term “Secretary” means*
 2 *the Secretary of the Interior, acting through the Com-*
 3 *missioner of Reclamation.*

4 (10) *STATE.*—*The term “State” means the State*
 5 *of North Dakota, acting through the North Dakota*
 6 *Game and Fish Department.*

7 **SEC. 2. CONVEYANCES TO STUTSMAN COUNTY PARK**
 8 **BOARD.**

9 (a) *CONVEYANCES TO STUTSMAN COUNTY PARK*
 10 *BOARD.*—

11 (1) *IN GENERAL.*—*Subject to the management re-*
 12 *quirements of paragraph (3) and the easements and*
 13 *reservations under section 4, not later than 5 years*
 14 *after the date of enactment of this Act, the Secretary*
 15 *shall convey to the Board all right, title, and interest*
 16 *of the United States in and to—*

17 (A) *the recreation land; and*

18 (B) *the permitted cabin land.*

19 (2) *COSTS.*—

20 (A) *IN GENERAL.*—*Except as provided in*
 21 *subparagraph (B), the Secretary shall convey the*
 22 *land described in paragraph (1) at no cost.*

23 (B) *TITLE TRANSFER; LAND SURVEYS.*—*As*
 24 *a condition of the conveyances under paragraph*
 25 *(1), the Board shall agree to pay all survey and*

1 *other administrative costs necessary for the prep-*
2 *aration and completion of any patents for, and*
3 *transfers of title to, the land described in para-*
4 *graph (1).*

5 (3) *MANAGEMENT.*—

6 (A) *RECREATION LAND.*—*The Board shall*
7 *manage the recreation land conveyed under*
8 *paragraph (1)—*

9 (i) *for recreation and public purposes*
10 *consistent with the Act of June 14, 1926*
11 *(commonly known as the “Recreation and*
12 *Public Purposes Act”) (44 Stat. 741, chap-*
13 *ter 578; 43 U.S.C. 869 et seq.);*

14 (ii) *for public access;*

15 (iii) *for fish and wildlife habitat; or*

16 (iv) *to preserve the natural character*
17 *of the recreation land.*

18 (B) *PERMITTED CABIN LAND.*—*The Board*
19 *shall manage the permitted cabin land conveyed*
20 *under paragraph (1)—*

21 (i) *for cabins or recreational residences*
22 *in existence as of the date of enactment of*
23 *this Act; or*

1 (ii) for any of the recreation land
2 management purposes described in subpara-
3 graph (A).

4 (4) *HAYING AND GRAZING.*—With respect to
5 recreation land conveyed under paragraph (1) that is
6 used for haying or grazing authorized by the Manage-
7 ment Agreement as of the date of enactment of this
8 Act, the Board may continue to permit haying and
9 grazing in a manner that is permissible under the 1
10 or more haying or grazing contracts in effect as of the
11 date of enactment of this Act.

12 (b) *REVERSION.*—If a parcel of land conveyed under
13 subparagraph (A) or (B) of subsection (a)(1) is used in a
14 manner that is inconsistent with the requirements described
15 in subparagraph (A) or (B), respectively, of subsection
16 (a)(3), the parcel of land shall, at the discretion of the Sec-
17 retary, revert to the United States.

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

19 (1) *IN GENERAL.*—If the Board sells any parcel
20 of permitted cabin land conveyed under subsection
21 (a)(1)(B), the parcel shall be sold at fair market
22 value, as determined by a third-party appraiser in
23 accordance with the Uniform Standards of Profes-
24 sional Appraisal Practice, subject to paragraph (2).

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

6 (3) *PROCEEDS FROM THE SALE OF LAND BY THE*
7 *BOARD.*—*If the Board sells a parcel of permitted*
8 *cabin land conveyed under subsection (a)(1)(B), the*
9 *Board shall pay to the Secretary the amount of any*
10 *proceeds of the sale that exceed the costs of preparing*
11 *the sale by the Board.*

12 (d) *AVAILABILITY OF FUNDS TO THE SECRETARY.*—
13 *Any amounts paid to the Secretary for land conveyed by*
14 *the Secretary under this Act shall be made available to the*
15 *Secretary, subject to the availability of appropriations*
16 *made in advance, for activities relating to the operation*
17 *of the Jamestown Dam and Reservoir.*

18 **SEC. 3. CONVEYANCE OF GAME AND FISH HEADQUARTERS**

19 **TO THE STATE.**

20 (a) *CONVEYANCE OF GAME AND FISH HEAD-*
21 *QUARTERS.*—*Not later than 5 years after the date of enact-*
22 *ment of this Act, the Secretary shall convey to the State*
23 *all right, title, and interest of the United States in and to*
24 *the game and fish headquarters, on the condition that the*

1 *game and fish headquarters continue to be used as a game*
 2 *and fish headquarters or substantially similar purposes.*

3 (b) *REVERSION.*—*If land conveyed under subsection*
 4 *(a) is used in a manner that is inconsistent with the re-*
 5 *quirements described in that subsection, the land shall, at*
 6 *the discretion of the Secretary, revert to the United States.*

7 **SEC. 4. RESERVATIONS, EASEMENTS, AND OTHER OUT-**
 8 **STANDING RIGHTS.**

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

11 (1) *valid existing rights;*

12 (2) *operational requirements of the Pick-Sloan*
 13 *Missouri River Basin Program, as authorized by sec-*
 14 *tion 9 of the Act of December 22, 1944 (commonly*
 15 *known as the “Flood Control Act of 1944”) (58 Stat.*
 16 *891, chapter 665), including the Jamestown Res-*
 17 *ervoir;*

18 (3) *any flowage easement reserved by the United*
 19 *States to allow full operation of the Jamestown Res-*
 20 *ervoir for authorized purposes;*

21 (4) *reservations described in the Management*
 22 *Agreement;*

23 (5) *oil, gas, and other mineral rights reserved of*
 24 *record, as of the date of enactment of this Act, by, or*
 25 *in favor of, the United States or a third party;*

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

6 (7) a deed restriction that prohibits building any
7 new permanent structure on property below an ele-
8 vation of 1,454 feet; and

9 (8) the granting of applicable easements for—

10 (A) vehicular access to the property; and

11 (B) access to, and use of, all docks, boat-
12 houses, ramps, retaining walls, and other im-
13 provements for which access is provided in the
14 permit for use of the property as of the date of
15 enactment of this Act.

16 (b) *LIABILITY; TAKING.*—

17 (1) *LIABILITY.*—The United States shall not be
18 liable for flood damage to a property subject to a per-
19 mit, the Board, or the State, or for damages arising
20 out of any act, omission, or occurrence relating to a
21 permit holder, the Board, or the State, other than for
22 damages caused by an act or omission of the United
23 States or an employee, agent, or contractor of the
24 United States before the date of enactment of this Act.

1 (2) *TAKING.*—*Any temporary flooding or flood*
2 *damage to the property of a permit holder, the Board,*
3 *or the State, shall not be considered to be a taking by*
4 *the United States.*

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

6 *During the period beginning on the date of enactment*
7 *of this Act and ending on the date of conveyance of a prop-*
8 *erty or parcel of land under this Act, the provisions of the*
9 *Management Agreement that are applicable to the property*
10 *or land, or to leases between the State and the Secretary,*
11 *and any applicable permits, shall remain in force and ef-*
12 *fect.*

Attest:

Clerk.

115TH CONGRESS
2^D SESSION

S. 2074

AMENDMENT