

115TH CONGRESS
1ST SESSION

S. 440

To establish a procedure for the conveyance of certain Federal property
around the Dickinson Reservoir in the State of North Dakota.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 17 (legislative day, FEBRUARY 16), 2017

Mr. HOEVEN (for himself and Ms. HEITKAMP) introduced the following bill;
which was read twice and referred to the Committee on Energy and Nat-
ural Resources

A BILL

To establish a procedure for the conveyance of certain Fed-
eral property around the Dickinson Reservoir in the
State of North Dakota.

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. PATTERSON LAKE LAND CONVEYANCES.**

4 (a) DEFINITIONS.—In this section:

5 (1) DEPARTMENT.—The term “Department”
6 means Dickinson Parks & Recreation in Dickinson,
7 North Dakota (or a successor in interest to that en-
8 tity).

1 (2) DICKINSON RESERVOIR.—The term “Dick-
 2 inson Reservoir” means the Dickinson Reservoir
 3 constructed as part of the Dickinson Unit, Heart
 4 Division, Pick-Sloan Missouri Basin Program, as au-
 5 thorized by section 9 of the Act of December 22,
 6 1944 (commonly known as the “Flood Control Act
 7 of 1944”) (58 Stat. 891, chapter 665).

8 (3) PERMITTEE.—The term “permittee” means
 9 the holder of a permit for a property.

10 (4) PROPERTY.—The term “property” means
 11 any one of the cabin sites located on Federal prop-
 12 erty around the Dickinson Reservoir for which a per-
 13 mit is in effect on the date of enactment of this Act.

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

17 (b) PURCHASE OF PROPERTY BY PERMITTEE;
 18 TRANSFERS TO DEPARTMENT.—

19 (1) OPTION.—The Secretary shall provide to
 20 the permittee of a property the first option to pur-
 21 chase that property in accordance with paragraph
 22 (3) for fair market value, subject to the condition
 23 that the permittee shall pay to the Department any
 24 outstanding permit fees before the permittee may ex-
 25 ercise the option to purchase.

1 (2) DETERMINATION OF FAIR MARKET
2 VALUE.—

3 (A) IN GENERAL.—For purposes of this
4 subsection, the fair market value of a property
5 shall be determined by a local, third-party ap-
6 praiser, valuing the property as unimproved res-
7 idential property, excluding all improvements.

8 (B) DISPUTES.—Any dispute regarding
9 the fair market value of a property shall be re-
10 solved in accordance with section 2201.4 of title
11 43, Code of Federal Regulations (or successor
12 regulations).

13 (3) PURCHASE.—

14 (A) IN GENERAL.—On an election by a
15 permittee to exercise the option to purchase a
16 property pursuant to paragraph (1), the Sec-
17 retary shall convey to the permittee, for fair
18 market value—

19 (i) all right, title, and interest of the
20 United States in and to the property, sub-
21 ject to valid existing rights; and

22 (ii) easements for—

23 (I) vehicular access to the prop-
24 erty;

1 (II) access to, and use of, a dock
 2 for the property; and

3 (III) access to, and use of, all
 4 boathouses, ramps, retaining walls,
 5 and other improvements for which ac-
 6 cess is provided in the permit for use
 7 of the property as of the date of en-
 8 actment of this Act.

9 (B) PERIOD FOR CONVEYANCE.—The Sec-
 10 retary shall convey to a permittee a property
 11 pursuant to subparagraph (A) during the pe-
 12 riod—

13 (i) beginning on the date of enactment
 14 of this Act; and

15 (ii) ending on the date that is 2 years
 16 after that date of enactment.

17 (4) TRANSFERS TO DEPARTMENT.—

18 (A) FAILURE TO PURCHASE.—If a per-
 19 mittee fails to exercise the option to purchase a
 20 property under paragraph (3) by the date that
 21 is 2 years after the date of enactment of this
 22 Act, the Secretary shall transfer the property to
 23 the Department, without cost.

24 (B) CERTAIN OTHER LAND.—Effective be-
 25 ginning on the date that is 2 years after the

1 date of enactment of this Act, the Secretary
2 shall transfer to the Department, without cost,
3 land managed by the Department as of the date
4 of enactment, on which no cabin is located.

5 (c) OIL, GAS, MINERAL, AND OTHER OUTSTANDING
6 RIGHTS.—Each conveyance to a permittee, and each
7 transfer to the Department, pursuant to subsection (b)
8 shall be made subject to—

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

12 (2) any permit, license, lease, right-of-use, or
13 right-of-way of record in, on, over, or across the ap-
14 plicable property or land that is outstanding to a
15 third party as of the date of enactment of this Act.

16 (d) LIABILITY; TAKING.—

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

1 (2) TAKING.—Any temporary flooding or flood
 2 damage to the personal property of a permittee shall
 3 not be considered to be a taking by the United
 4 States.

5 (e) REQUIREMENTS RELATING TO CONVEYANCES
 6 AND TRANSFERS.—

7 (1) INTERIM REQUIREMENTS.—During the pe-
 8 riod beginning on the date of enactment of this Act
 9 and ending on the date of conveyance or transfer of
 10 a property or land, the provisions of the document
 11 entitled “Management Agreement between the Bu-
 12 reau of Reclamation, et al., for the Development,
 13 Management, Operation, and Maintenance of Lands
 14 and Recreation Facilities at Dickinson Reservoir”
 15 that are applicable to the property or land shall re-
 16 main in force and effect.

17 (2) LEGAL DESCRIPTIONS.—Not later than 180
 18 days after the date of enactment of this Act, the
 19 Secretary, in consultation with the Department,
 20 shall provide to the Department a legal description
 21 of all properties and land that may be conveyed or
 22 transferred pursuant to this section.

23 (3) RESTRICTION ON CONVEYANCE.—Effective
 24 beginning on the date of enactment of this Act—

1 (A) a permittee may not build any new
2 permanent structure below an elevation of
3 2,430 feet; and

4 (B) if a permittee builds a structure de-
5 scribed in subparagraph (A), the property of
6 the permittee shall revert to the Department.

7 (f) PROCEEDS FROM SALES OF FEDERAL LAND.—
8 Any revenues from a sale of Federal land pursuant to this
9 section shall be made available to the Secretary, without
10 further appropriation, for—

11 (1) the costs to the Secretary of carrying out
12 this section; and

13 (2) deferred maintenance activities relating to
14 the operation of the dam in the Dickinson Reservoir.

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