

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.

S. 2074

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. DEFINITIONS.**

4 In this Act:

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

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

1 (3) JAMESTOWN RESERVOIR.—The term
2 “Jamestown Reservoir” means the Jamestown Res-
3 ervoir constructed as a unit of the Missouri-Souris
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 (4) MANAGEMENT AGREEMENT.—The term
9 “Management Agreement” means the management
10 agreement entitled “Management Agreement be-
11 tween the United States of America and Stutsman
12 County Park Board for the Management, Develop-
13 ment, Operation and Maintenance of Recreation and
14 Related Improvements and Facilities at Jamestown
15 Reservoir Stutsman County, North Dakota”, num-
16 bered 15-LM-60-2255, and dated February 17,
17 2015.

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

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

24 (7) PROPERTY.—The term “property” means
25 any cabin site located on permitted cabin land for

1 which a permit is in effect on the date of enactment
2 of this Act.

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

6 (9) SECRETARY.—The term “Secretary” means
7 the Secretary of the Interior, acting through the
8 Commissioner of Reclamation.

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

12 **SEC. 2. CONVEYANCES TO STUTSMAN COUNTY PARK**
13 **BOARD.**

14 (a) CONVEYANCES TO STUTSMAN COUNTY PARK
15 BOARD.—

16 (1) IN GENERAL.—Subject to the management
17 requirements of paragraph (3) and the easements
18 and reservations under section 4, not later than 5
19 years after the date of enactment of this Act, the
20 Secretary shall convey to the Board all right, title,
21 and interest of the United States in and to—

22 (A) the recreation land; and

23 (B) the permitted cabin land.

24 (2) COSTS.—

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

4 (B) TITLE TRANSFER; LAND SURVEYS.—
5 As a condition of the conveyances under para-
6 graph (1), the Board shall agree to pay all sur-
7 vey and other administrative costs necessary for
8 the preparation and completion of any patents
9 for, and transfers of title to, the land described
10 in paragraph (1).

11 (3) MANAGEMENT.—

12 (A) RECREATION LAND.—The Board shall
13 manage the recreation land conveyed under
14 paragraph (1)—

15 (i) for recreation and public purposes
16 consistent with the Act of June 14, 1926
17 (commonly known as the “Recreation and
18 Public Purposes Act”) (44 Stat. 741,
19 chapter 578; 43 U.S.C. 869 et seq.);

20 (ii) for public access;

21 (iii) for fish and wildlife habitat; or

22 (iv) to preserve the natural character
23 of the recreation land.

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

4 (i) for cabins or recreational resi-
5 dences in existence as of the date of enact-
6 ment of this Act; or

7 (ii) for any of the recreation land
8 management purposes described in sub-
9 paragraph (A).

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

18 (b) REVERSION.—If a parcel of land conveyed under
19 subparagraph (A) or (B) of subsection (a)(1) is used in
20 a manner that is inconsistent with the requirements de-
21 scribed in subparagraph (A) or (B), respectively, of sub-
22 section (a)(3), the parcel of land shall, at the discretion
23 of the Secretary, revert to the United States.

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

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

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

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

18 (d) AVAILABILITY OF FUNDS TO THE SECRETARY.—
19 Any amounts paid to the Secretary for land conveyed by
20 the Secretary under this Act shall be made available to
21 the Secretary, without further appropriation, for activities
22 relating to the operation of the Jamestown Dam and Res-
23 ervoir.

1 **SEC. 3. CONVEYANCE OF GAME AND FISH HEADQUARTERS**
2 **TO THE STATE.**

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

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

16 **SEC. 4. RESERVATIONS, EASEMENTS, AND OTHER OUT-**
17 **STANDING RIGHTS.**

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

20 (1) valid existing rights;

21 (2) operational requirements of the Pick-Sloan
22 Missouri River Basin Program, as authorized by sec-
23 tion 9 of the Act of December 22, 1944 (commonly
24 known as the “Flood Control Act of 1944”) (58
25 Stat. 891, chapter 665), including the Jamestown
26 Reservoir;

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

4 (4) reservations described in the Management
5 Agreement;

6 (5) oil, gas, and other mineral rights reserved
7 of record, as of the date of enactment of this Act,
8 by, or in favor of, the United States or a third
9 party;

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

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

18 (8) the granting of applicable easements for—

19 (A) vehicular access to the property; and

20 (B) access to, and use of, all docks, boat-
21 houses, ramps, retaining walls, and other im-
22 provements for which access is provided in the
23 permit for use of the property as of the date of
24 enactment of this Act.

25 (b) LIABILITY; TAKING.—

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

10 (2) TAKING.—Any temporary flooding or flood
11 damage to the property of a permit holder, the
12 Board, or the State, shall not be considered to be a
13 taking by the United States.

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

15 During the period beginning on the date of enactment
16 of this Act and ending on the date of conveyance of a prop-
17 erty or parcel of land under this Act, the provisions of
18 the Management Agreement that are applicable to the
19 property or land, or to leases between the State and the
20 Secretary, and any applicable permits, shall remain in
21 force and effect.