

**Suspend the Rules and Pass the Bill, S. 2074, With an Amendment**  
**(The amendment strikes all after the enacting clause and inserts a  
new text)**

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2074

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IN THE HOUSE OF REPRESENTATIVES

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## 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,*

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, subject to the availability of appropriations  
22 made in advance, for activities relating to the operation  
23 of the Jamestown Dam and Reservoir.

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.