

Union Calendar No. 697

115TH CONGRESS
2^D SESSION

H. R. 6039

[Report No. 115-901]

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.

IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 2018

Mr. CRAMER introduced the following bill; which was referred to the
Committee on Natural Resources

AUGUST 14, 2018

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on June 7, 2018]

A BILL

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 term*
9 *“game and fish headquarters” means the land de-*
10 *scribed as “Game and Fish Headquarters” on the*
11 *Map.*

12 (3) *JAMESTOWN RESERVOIR.*—*The term “James-*
13 *town Reservoir” means the Jamestown Reservoir con-*
14 *structed as a unit of the Missouri-Souris Division,*
15 *Pick-Sloan Missouri Basin Program, as authorized*
16 *by section 9 of the Act of December 22, 1944 (com-*
17 *monly known as the “Flood Control Act of 1944”) (58*
18 *Stat. 891, chapter 665).*

19 (4) *MANAGEMENT AGREEMENT.*—*The term*
20 *“Management Agreement” means the management*
21 *agreement entitled “Management Agreement between*
22 *the United States of America and Stutsman County*
23 *Park Board for the Management, Development, Oper-*
24 *ation and Maintenance of Recreation and Related*
25 *Improvements and Facilities at Jamestown Reservoir*

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

7 (A) *the recreation land; and*

8 (B) *the permitted cabin land.*

9 (2) *COSTS.*—

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

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

20 (3) *MANAGEMENT.*—

21 (A) *RECREATION LAND.*—The Board shall
22 manage the recreation land conveyed under
23 paragraph (1)—

24 (i) *for recreation and public purposes*
25 *consistent with the Act of June 14, 1926*

1 *(commonly known as the “Recreation and*
2 *Public Purposes Act”)* (44 Stat. 741, chap-
3 *ter 578; 43 U.S.C. 869 et seq.);*

4 *(ii) for public access;*

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

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

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

11 *(i) for cabins or recreational residences*
12 *in existence as of the date of enactment of*
13 *this Act; or*

14 *(ii) for any of the recreation land*
15 *management purposes described in subpara-*
16 *graph (A).*

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

25 *(b) 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 of
11 the land.

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

18 (c) *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 the
21 Secretary, without further appropriation, for activities re-
22 lating 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 *Not later than 5 years after the date of enactment of*
4 *this Act, the Secretary shall convey to the State all right,*
5 *title, and interest of the United States in and to the game*
6 *and fish headquarters, on the condition that the game and*
7 *fish headquarters continue to be used as a game and fish*
8 *headquarters or substantially similar purposes.*

9 **SEC. 4. RESERVATIONS, EASEMENTS, AND OTHER OUT-**
10 **STANDING RIGHTS.**

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

13 *(1) valid existing rights;*

14 *(2) operational requirements of the Pick-Sloan*
15 *Missouri River Basin Program, as authorized by sec-*
16 *tion 9 of the Act of December 22, 1944 (commonly*
17 *known as the “Flood Control Act of 1944”) (58 Stat.*
18 *891, chapter 665), including the Jamestown Res-*
19 *ervoir;*

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

23 *(4) reservations described in the Management*
24 *Agreement;*

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

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

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

12 (8) the granting of applicable easements for—

13 (A) vehicular access to the property; and

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

19 (b) *LIABILITY; TAKING.*—

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

1 *States or an employee, agent, or contractor of the*
2 *United States before the date of enactment of this Act.*

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

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

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

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