

In the House of Representatives, U. S.,

November 13, 2018.

Resolved, That the bill from the Senate (S. 440) entitled “An Act to establish a procedure for the conveyance of certain Federal property around the Dickinson Reservoir in the State of North Dakota.”, 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) *DEPARTMENT.*—*The term “Department”*
4 *means Dickinson Parks & Recreation in Dickinson,*
5 *North Dakota.*

6 (2) *DICKINSON RESERVOIR.*—*The term “Dickin-*
7 *son Reservoir” means the Dickinson Reservoir con-*
8 *structed as part of the Dickinson Unit, Heart Divi-*
9 *sion, Pick-Sloan Missouri Basin Program, as author-*
10 *ized by section 9 of the Act of December 22, 1944*
11 *(commonly known as the “Flood Control Act of*
12 *1944”)* (58 Stat. 891, chapter 665).

13 (3) *GAME AND FISH HEADQUARTERS.*—*The term*
14 *“game and fish headquarters” means the approxi-*

1 *mately 10 acres of land depicted as “Game and Fish*
2 *Headquarters” on the Map.*

3 (4) *MANAGEMENT AGREEMENT.*—*The term*
4 *“Management Agreement” means the management*
5 *agreement entitled “Management Agreement between*
6 *the Bureau of Reclamation, et al., for the Develop-*
7 *ment, Management, Operation, and Maintenance of*
8 *Lands and Recreation Facilities at Dickinson Res-*
9 *ervoir”, MA No. 07AG602222, Modification No. 1 and*
10 *dated March 15, 2017.*

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

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

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

21 (8) *RECREATION LAND.*—*The term “recreation*
22 *land” means the land depicted as “Recreation and*
23 *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 DICKINSON DEPARTMENT OF**
 8 **PARKS AND RECREATION.**

9 (a) *CONVEYANCES TO DICKINSON DEPARTMENT OF*
 10 *PARKS AND RECREATION*.—

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 Department all right, title, and in-*
 16 *terest 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 Department shall agree to pay all survey*

1 *and other administrative costs necessary for the*
2 *preparation and completion of any patents for,*
3 *and transfers of title to, the land described in*
4 *paragraph (1).*

5 (3) *MANAGEMENT.*—

6 (A) *RECREATION LAND.*—*The Department*
7 *shall 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 Depart-*
19 *ment shall manage the permitted cabin land con-*
20 *veyed 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 Department may continue to permit haying
9 and grazing in a manner that is permissible under
10 the 1 or more haying or grazing contracts in effect as
11 of the 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 DEPART-*
19 *MENT.*—

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

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 Depart-*
10 *ment or the State pursuant to this Act shall be made subject*
11 *to—*

12 (1) *valid existing rights;*

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

18 (3) *any flowage easement reserved by the United*
19 *States to allow full operation of Dickinson Reservoir*
20 *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 2,430.6 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 Department, or the State, or for damages
20 arising out of any act, omission, or occurrence relat-
21 ing to a permit holder, the Department, or the State,
22 other than for damages caused by an act or omission
23 of the United States or an employee, agent, or con-
24 tractor of the United States before the date of enact-
25 ment of this Act.

1 (2) *TAKING.*—*Any temporary flooding or flood*
2 *damage to the property of a permit holder, the De-*
3 *partment, or the State, shall not be considered to be*
4 *a taking by 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. 440

AMENDMENT