

Public Law 115–308
115th Congress

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.

Dec. 11, 2018
[S. 2074]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

In this Act:

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

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

(3) **JAMESTOWN RESERVOIR.**—The term “Jamestown Reservoir” means the Jamestown Reservoir constructed as a unit of the Missouri-Souris Division, Pick-Sloan Missouri Basin Program, as authorized by section 9 of the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (58 Stat. 891, chapter 665).

(4) **MANAGEMENT AGREEMENT.**—The term “Management Agreement” means the management agreement entitled “Management Agreement between the United States of America and Stutsman County Park Board for the Management, Development, Operation and Maintenance of Recreation and Related Improvements and Facilities at Jamestown Reservoir Stutsman County, North Dakota”, numbered 15–LM–60–2255, and dated February 17, 2015.

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

(6) **PERMITTED CABIN LAND.**—The term “permitted cabin land” means the land depicted as “Permitted Cabin Lands” on the Map.

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

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

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

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

SEC. 2. CONVEYANCES TO STUTSMAN COUNTY PARK BOARD.**(a) CONVEYANCES TO STUTSMAN COUNTY PARK BOARD.—**

Deadline.

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

- (A) the recreation land; and
- (B) the permitted cabin land.

(2) COSTS.—

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

(B) **TITLE TRANSFER; LAND SURVEYS.**—As a condition of the conveyances under paragraph (1), the Board shall agree to pay all survey and other administrative costs necessary for the preparation and completion of any patents for, and transfers of title to, the land described in paragraph (1).

(3) MANAGEMENT.—

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

- (i) for recreation and public purposes consistent with the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (44 Stat. 741, chapter 578; 43 U.S.C. 869 et seq.);
- (ii) for public access;
- (iii) for fish and wildlife habitat; or
- (iv) to preserve the natural character of the recreation land.

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

- (i) for cabins or recreational residences in existence as of the date of enactment of this Act; or
- (ii) for any of the recreation land management purposes described in subparagraph (A).

(4) **HAYING AND GRAZING.**—With respect to recreation land conveyed under paragraph (1) that is used for haying or grazing authorized by the Management Agreement as of the date of enactment of this Act, the Board may continue to permit haying and grazing in a manner that is permissible under the 1 or more haying or grazing contracts in effect as of the date of enactment of this Act.

(b) **REVERSION.**—If a parcel of land conveyed under subparagraph (A) or (B) of subsection (a)(1) is used in a manner that is inconsistent with the requirements described in subparagraph (A) or (B), respectively, of subsection (a)(3), the parcel of land shall, at the discretion of the Secretary, revert to the United States.

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

Determination.

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

(2) **IMPROVEMENTS.**—For purposes of an appraisal conducted under paragraph (1), any improvements on the permitted cabin land made by a permit holder shall not be included in the appraised value of the land.

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

(d) **AVAILABILITY OF FUNDS TO THE SECRETARY.**—Any amounts paid to the Secretary for land conveyed by the Secretary under this Act shall be made available to the Secretary, subject to the availability of appropriations made in advance, for activities relating to the operation of the Jamestown Dam and Reservoir.

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

(a) **CONVEYANCE OF GAME AND FISH HEADQUARTERS.**—Not later than 5 years after the date of enactment of this Act, the Secretary shall convey to the State all right, title, and interest of the United States in and to the game and fish headquarters, on the condition that the game and fish headquarters continue to be used as a game and fish headquarters or substantially similar purposes.

Deadline.

(b) **REVERSION.**—If land conveyed under subsection (a) is used in a manner that is inconsistent with the requirements described in that subsection, the land shall, at the discretion of the Secretary, revert to the United States.

SEC. 4. RESERVATIONS, EASEMENTS, AND OTHER OUTSTANDING RIGHTS.

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

(1) valid existing rights;

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

(3) any flowage easement reserved by the United States to allow full operation of the Jamestown Reservoir for authorized purposes;

(4) reservations described in the Management Agreement;

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

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

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

(8) the granting of applicable easements for—

(A) vehicular access to the property; and

(B) access to, and use of, all docks, boathouses, ramps, retaining walls, and other improvements for which access

is provided in the permit for use of the property as of the date of enactment of this Act.

(b) LIABILITY; TAKING.—

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

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

Time period.
Effective date.

SEC. 5. INTERIM REQUIREMENTS.

During the period beginning on the date of enactment of this Act and ending on the date of conveyance of a property or parcel of land under this Act, the provisions of the Management Agreement that are applicable to the property or land, or to leases between the State and the Secretary, and any applicable permits, shall remain in force and effect.

Approved December 11, 2018.

LEGISLATIVE HISTORY—S. 2074 (H.R. 6039):

HOUSE REPORTS: No. 115–901 (Comm. on Natural Resources) accompanying H.R. 6039.

SENATE REPORTS: No. 115–314 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 164 (2018):

Oct. 4, considered and passed Senate.

Nov. 13, considered and passed House, amended.

Nov. 27, Senate concurred in House amendment.

