

114TH CONGRESS
2D SESSION

S. 3437

To establish a procedure for the conveyance of certain Federal property around the Dickinson Reservoir in the State of North Dakota.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28, 2016

Mr. HOEVEN (for himself and Ms. HEITKAMP) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To establish a procedure for the conveyance of certain Federal property around the Dickinson Reservoir in the State of North Dakota.

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. PATTERSON LAKE LAND CONVEYANCES.**

4 (a) DEFINITIONS.—In this section:

5 (1) DEPARTMENT.—The term “Department”
6 means Dickinson Parks & Recreation in Dickinson,
7 North Dakota (or a successor in interest to that en-
8 tity).

1 (2) DICKINSON RESERVOIR.—The term “‘Dick-
2 inson Reservoir’” means the Dickinson Reservoir
3 constructed as part of the Dickinson Unit, Heart
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 (3) PERMITTEE.—The term “permittee” means
9 the holder of a permit for a property.

10 (4) PROPERTY.—The term “property” means
11 any one of the cabin sites located on Federal prop-
12 erty around the Dickinson Reservoir for which a per-
13 mit is in effect on the date of enactment of this Act.

14 (5) SECRETARY.—The term “Secretary” means
15 the Secretary of the Interior, acting through the
16 Commissioner of Reclamation.

17 (b) PURCHASE OF PROPERTY BY PERMITTEE;
18 TRANSFERS TO DEPARTMENT.—

19 (1) OPTION.—The Secretary shall provide to
20 the permittee of a property the first option to pur-
21 chase that property for fair market value in accord-
22 ance with paragraph (2).

23 (2) PURCHASE.—

24 (A) IN GENERAL.—On an election by a
25 permittee to exercise the option to purchase a

1 property pursuant to paragraph (1), the Sec-
2 retary shall convey to the permittee, for fair
3 market value—

4 (i) all right, title, and interest of the
5 United States in and to the property, sub-
6 ject to valid existing rights; and

7 (ii) easements for—

8 (I) vehicular access to the prop-
9 erty;

10 (II) access to, and use of, a dock
11 for the property; and

12 (III) access to, and use of, all
13 boathouses, ramps, retaining walls,
14 and other improvements for which ac-
15 cess is provided in the permit for use
16 of the property as of the date of en-
17 actment of this Act.

18 (B) PERIOD FOR CONVEYANCE.—The Sec-
19 retary shall convey to a permittee a property
20 pursuant to subparagraph (A) during the pe-
21 riod—

22 (i) beginning on the date that is 1
23 year after the date of enactment of this
24 Act; and

1 (ii) ending on the date that is 2 years
2 after that date of enactment.

3 (C) DISPUTES REGARDING FAIR MARKET
4 VALUE.—Any dispute regarding the fair market
5 value of a property shall be resolved in accord-
6 ance with section 2201.4 of title 43, Code of
7 Federal Regulations (or successor regulations).

8 (3) TRANSFERS TO DEPARTMENT.—

9 (A) FAILURE TO PURCHASE.—If a per-
10 mittee fails to exercise the option to purchase a
11 property under paragraph (2) by the date that
12 is 2 years after the date of enactment of this
13 Act, the Secretary shall transfer the property to
14 the Department, without cost.

15 (B) CERTAIN OTHER LAND.—Effective be-
16 ginning on the date that is 2 years after the
17 date of enactment of this Act, the Secretary
18 shall transfer to the Department, without cost,
19 land managed by the Department as of the date
20 of enactment, on which no cabin is located.

21 (c) OIL, GAS, MINERAL, AND OTHER OUTSTANDING
22 RIGHTS.—Each conveyance to a permittee, and each
23 transfer to the Department, pursuant to subsection (b)
24 shall be made subject to—

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

4 (2) any permit, license, lease, right-of-use, or
5 right-of-way of record in, on, over, or across the ap-
6 plicable property or land that is outstanding to a
7 third party as of the date of enactment of this Act.

8 (d) LIABILITY; TAKING.—

9 (1) LIABILITY.—The United States shall not be
10 liable for flood damage to the personal property of
11 a permittee or for damages arising out of any act,
12 omission, or occurrence relating to a lot to which a
13 permit applies, other than for damages caused by an
14 act or omission of the United States or an employee,
15 agent, or contractor of the United States before the
16 date of enactment of this Act.

17 (2) TAKING.—Any temporary flooding or flood
18 damage to the personal property of a permittee shall
19 not be considered to be a taking by the United
20 States.

21 (e) REQUIREMENTS RELATING TO CONVEYANCES
22 AND TRANSFERS.—

23 (1) INTERIM REQUIREMENTS.—During the pe-
24 riod beginning on the date of enactment of this Act
25 and ending on the date of conveyance or transfer of

1 a property or land, the provisions of the document
2 entitled “Management Agreement between the Bu-
3 reau of Reclamation, et al., for the Development,
4 Management, Operation, and Maintenance of Lands
5 and Recreation Facilities at Dickinson Reservoir”
6 that are applicable to the property or land shall re-
7 main in force and effect.

8 (2) LEGAL DESCRIPTIONS.—Not later than 180
9 days after the date of enactment of this Act, the
10 Secretary, in consultation with the Department,
11 shall provide to the Department a legal description
12 of all properties and land that may be conveyed or
13 transferred pursuant to this section.

14 (3) RESTRICTION ON CONVEYANCE.—Effective
15 beginning on the date of enactment of this Act—

16 (A) a permittee may not build any new
17 permanent structure below an elevation of
18 2,430 feet; and

19 (B) if a permittee builds a structure de-
20 scribed in subparagraph (A), the property of
21 the permittee shall revert to the Department.

22 (f) PROCEEDS FROM SALES OF FEDERAL LAND.—
23 Any revenues from a sale of Federal land pursuant to this
24 section shall be made available to the Secretary, without
25 further appropriation, for—

1 (1) the costs to the Secretary of carrying out
2 this section; and

3 (2) deferred maintenance activities relating to
4 the operation of the dam in the Dickinson Reservoir.

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