

104TH CONGRESS  
2D SESSION

# S. 1863

To require the Secretary of the Army to acquire permanent flowage and saturation easements over land that is located within the 10-year floodplain of the James River, South Dakota, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 11, 1996

Mr. DASCHLE introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To require the Secretary of the Army to acquire permanent flowage and saturation easements over land that is located within the 10-year floodplain of the James River, South 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. ACQUISITION OF EASEMENTS OVER LAND**

4                       **NEAR JAMES RIVER, SOUTH DAKOTA.**

5       (a) IN GENERAL.—The Secretary of the Army shall  
6       acquire, from willing sellers, permanent flowage and satu-  
7       ration easements over land that is located within the 10-  
8       year floodplain of the James River, South Dakota.

1 (b) SCOPE.—

2 (1) IN GENERAL.—The easements acquired by  
3 the Secretary of the Army under subsection (a) shall  
4 include the right, power, and privilege of the Federal  
5 Government to submerge, overflow, percolate, and  
6 saturate the surface and subsurface of the land and  
7 such other terms and conditions as the Secretary of  
8 the Army considers appropriate.

9 (2) HAYING AND GRAZING.—The Secretary of  
10 the Army shall permit haying and grazing on the  
11 land subject to the easements.

12 (c) PAYMENT.—In acquiring the easements under  
13 subsection (a), the Secretary of the Army shall pay an  
14 amount based on the unaffected fee value of the land sub-  
15 ject to the easements. For the purpose of this subsection,  
16 the unaffected fee value of the land is the value that the  
17 land would have if the land were unaffected by rising  
18 ground water and surface flooding associated with the  
19 James River.

20 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
21 are authorized to be appropriated to carry out this section  
22 \$40,000,000, to remain available until expended.

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