

PAINT BANK AND WYTHEVILLE NATIONAL FISH  
HATCHERIES CONVEYANCE ACT

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JUNE 28, 2006.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

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Mr. POMBO, from the Committee on Resources,  
submitted the following

R E P O R T

[To accompany H.R. 5061]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 5061) to direct the Secretary of the Interior to convey Paint Bank National Fish Hatchery and Wytheville National Fish Hatchery to the State of Virginia, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 5061 is to direct the Secretary of the Interior to convey Paint Bank National Fish Hatchery and Wytheville National Fish Hatchery to the State of Virginia.

BACKGROUND AND NEED FOR LEGISLATION

The majority of federal fish hatchery facilities are managed by the U.S. Fish and Wildlife Service. From its historic level of 136 National Fish Hatcheries in 1940, the system is now comprised of 69 National Fish Hatcheries, seven Fish Technology Centers, nine Fish Health Centers and one historic fish hatchery. The role of the National Fish Hatchery System is broader than private, State and tribal hatcheries which primarily stock fish for commercial and recreational users. The average age of these facilities is 60 years and the growing deferred maintenance backlog is \$245 million. The average cost to operate a federal Fish Hatchery is \$528,000 each year. While funding for hatchery operations has increased over \$20

million in the last ten years, the number of federal employees working within the hatchery system has fallen from 522 to 457, or a 12.5 percent reduction in the workforce.

Under the terms of H.R. 5061, all right, title and interest in the Paint Bank and Wytheville National Fish Hatcheries would be conveyed to the Virginia Department of Fish and Game without reimbursement. This property consists of 490 acres at the Paint Bank and 134 acres at the Wytheville National Fish Hatcheries. It also includes the transfer of residences, an administrative building, flammable storage building, sewage treatment plant and concrete linear raceways for the production of cold water fisheries. The bill contains a reversionary clause that stipulates that these fish cultural stations will revert back to the federal government if they are utilized for activities other than the State of Virginia's fish culture program.

The Virginia Department of Game and Inland Fisheries have been operating these two hatcheries since 1983 under a 25-year lease agreement it signed with the U.S. Fish and Wildlife Service. These two fish hatcheries were built in the mid 1960s, can produce up to 861,632 brook, brown and rainbow trout each year. This represents over 40 percent of the trout stocked for public fishing in Virginia.

Despite the fact that the State did not have title to this property, a number of investments have taken place over the past twenty years. The total cost of these improvements at Paint Bank and Wytheville Hatcheries has been \$389,500, and the State is prepared to invest an additional \$4.5 million in renovations. According to the Virginia Department of Game and Inland Fisheries, the annual economic impact of these two facilities is in excess of \$40 million, and there are 13 full-time State employees.

#### COMMITTEE ACTION

H.R. 5061 was introduced on March 30, 2006, by Congressmen Rick Boucher (D-VA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Fisheries and Oceans. On June 15, 2006, the Subcommittee held a hearing on the bill. On June 21, 2006, the Full Resources Committee met to consider the bill. The Subcommittee on Fisheries and Oceans was discharged from further consideration of the bill by unanimous consent. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by unanimous consent.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8, clause 3 of the Constitution of the United States grants Congress the authority to enact this bill.

## COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

*H.R. 5061—Paint Bank and Wytheville National Fish Hatcheries Conveyance Act*

H.R. 5061 would direct the Secretary of the Interior to convey without consideration two fish hatcheries to the state of Virginia. The transfer would comprise all property interests in the Paint Bank National Fish Hatchery and the Wytheville National Fish Hatchery, including about 625 acres of land, several buildings, a sewage treatment plant, and hatchery facilities.

Based on information provided by the U.S. Fish and Wildlife Service, CBO estimates that implementing H.R. 5061 would have no effect on the federal budget. The two fish hatcheries are already being operated by the state at its own expense, as they would continue to be under the bill.

H.R. 5061 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments. Enacting this legislation would benefit Virginia.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

## COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

## PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

