

## LAKE MATTAMUSKEET LODGE PRESERVATION ACT

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JULY 13, 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. 5094]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 5094) to require the conveyance of Mattamuskeet Lodge and surrounding property, including the Mattamuskeet National Wildlife Refuge headquarters, to the State of North Carolina to permit the State to use the property as a public facility dedicated to the conservation of the natural and cultural resources of North Carolina, 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. 5094 is to require the conveyance of Mattamuskeet Lodge and surrounding property, including the Mattamuskeet National Wildlife Refuge headquarters, to the State of North Carolina to permit the State to use the property as a public facility dedicated to the conservation of the natural and cultural resources of North Carolina.

#### BACKGROUND AND NEED FOR LEGISLATION

The National Wildlife Refuge System is comprised of Federal lands that have been acquired or reserved for the conservation of fish and wildlife. Totaling about 95 million acres, the System provides habitat for hundreds of fish and wildlife species. The System is also designed to offer priority public wildlife-dependent uses for compatible hunting, fishing, wildlife observation and photography, and environmental education and interpretation.

The Mattamuskeet National Wildlife Refuge was established in October of 1934 when the U.S. Bureau of Fisheries purchased the

Mattamuskeet lake property to create a migratory bird refuge. With its location in the middle of the Atlantic Flyway, it provides valuable wintering habitat for thousands of Canada geese, snow geese, tundra swans and 22 species of ducks. Today, the Refuge is comprised of 50,000 acres of upland, marsh, timber and water in and around Lake Mattamuskeet, the largest natural lake in North Carolina. While the lake is 16 miles long and five to six miles wide, it is extremely shallow with the vast majority being less than two feet deep. Aquatic plants grow easily and they provide nourishment to tens of thousands of waterfowl that visit Mattamuskeet every winter. The Refuge also provides habitat for bald eagles and peregrine falcons as well as bobcats, black bears and 240 different species of birds.

The Mattamuskeet Lodge was constructed in 1915 at a cost of \$205,000. It was designed to house a series of massive pumps to drain Lake Mattamuskeet so that the dry lake bed could be utilized for farming operations. This effort was unsuccessful because of the economy, weather and an unreliable pumping system. When the Federal Government acquired this property, members of the Civilian Conservation Corps removed the pumps and converted the building into a hunting lodge. It served that purpose from 1937 to 1974, and in 1980, it was listed on the National Register of Historic Places. In the 1990s, the Mattamuskeet Lodge became a popular site for weddings, high school proms, art shows and festivals. It was the only community center in Hyde County which has a population of about 6,000 citizens. Regrettably, due to severe structural deterioration, the lodge was closed to public use in November 2000.

For the past six years, Federal and State elected officials and the Friends of the Mattamuskeet Lodge have attempted to secure funding to restore the lodge. In 2001, Congressman Walter B. Jones (R-NC) was successful in obtaining \$3.5 million to restore the lodge. Regrettably, the money was never spent and was transferred to the Fish and Wildlife Service's fire suppression program. These funds have not been replaced or even requested by the Fish and Wildlife Service since that time.

This legislation would direct the Secretary of the Interior to convey to the State of North Carolina all right, title and interest to 6.25 acres of land contained within the Mattamuskeet National Wildlife Refuge. This transfer would include the 15,000 square foot Mattamuskeet Lodge and surrounding property including the Refuge headquarters. This conveyance would occur without compensation and within six months of enactment of the bill.

Under the terms of H.R. 5094, the State of North Carolina agrees to restore and maintain the lodge, to cover the costs of any surveys and the recording of deeds, and to utilize the property as a public facility dedicated to the conservation of the State's natural and cultural resources. The Secretary of the Interior is forgiven from any future liability for any environmental remediation and there is the standard provision stipulating that the property will revert back to the Federal Government if the 6.25 acres are used for purposes not defined in the legislation. It has been estimated that it will cost the State of North Carolina about \$12.5 million to restore the Mattamuskeet Lodge. According to testimony, "the State cannot, however, make funding available until the Lodge is in State ownership."

## COMMITTEE ACTION

H.R. 5094 was introduced on April 5, 2006, by Congressman Walter B. Jones (R–NC). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Fisheries and Oceans. On May 10, 2006, the Subcommittee held a hearing on the bill. On June 21, 2006, the Full Resources Committee met to consider the bill. The Subcommittee 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 IV, section 3, clause 2 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:

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Summary: H.R. 5094 would direct the U.S. Fish and Wildlife Service (USFWS), to convey to North Carolina six acres of land in the Mattamuskeet National Wildlife Refuge, including the Mattamuskeet Lodge. Under the bill, the State would be responsible for paying all administrative costs of the transfer such as survey expenses. Based on information provided by the USFWS, CBO estimates that completing the conveyance would have no significant effect on the Federal budget. Enacting the bill would not affect direct spending or revenues.

H.R. 5094 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. The conveyance authorized by this bill would be voluntary on the part of the State of North Carolina and any costs incurred by the State to comply with the conditions included in the bill would be incurred voluntarily.

The CBO staff contacts for this estimate are Deborah Reis and Leigh Angres. The 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.

