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PAINT BANK AND WYTHEVILLE NATIONAL FISH HATCHERIES CONVEYANCE ACT

SEPTEMBER 20, 2006.—Ordered to be printed

Mr. INHOFE, from the Committee on Environment and Public Works, submitted the following

REPORT

[To accompany H.R 5061]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred a 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, reports favorably thereon and recommends that the bill do pass.

GENERAL STATEMENT AND BACKGROUND

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 10 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 con-

veyed 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.

Paint Bank National Fish Hatchery was originally constructed in 1960 and Wytheville National Fish Hatchery was constructed in 1966. Both facilities were developed to produce trout for recreational stocking on Federal lands. They were put into caretaker status when the U.S. Fish and Wildlife Service (Service) shifted program priorities in the early 1980's. In 1983, the Service entered into a 25-year agreement with the Commonwealth of Virginia to maintain and operate the facilities for the Commonwealth's recreational trout program. These hatcheries 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. The Paint Bank facility also participates in the National Broodstock program. The National Broodstock Program is a cooperative venture coordinated by the Service that each year produces about 100 million disease-free eggs for specific genetic make-up to help ensure that healthy, high-quality fish are available to anglers in more than 20 States.

Despite the fact that the State did not have title to this property, a number of investments have taken place over the past 20 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. With the end of the 25-year agreement nearing, the Service has determined that transferring the hatcheries to the Commonwealth is in the best interest of all parties and protects strong partnerships that have developed between the Service and Commonwealth's resource management officials. The transfer would protect the infrastructure investments made by the Commonwealth and provide certainty for future planning and use of the facility, where the Service has no future plans to reinstitute Federal operation or fish production.

OBJECTIVES OF THE LEGISLATION

H.R. 5061 directs the Secretary of the Interior to convey Paint Bank National Fish Hatchery and Wytheville National Fish Hatchery to the Commonwealth of Virginia. The bill contains a reversion clause providing that the property conveyed shall revert to the United States if it is used for any purpose other than for the State's fish culture program.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section provides that this Act may be cited as the "Paint Bank and Wytheville National Fish Hatcheries Conveyance Act".

Sec. 2. Conveyance of Paint Bank and Wytheville National Fish Hatcheries to the State of Virginia

This section directs the Secretary of the Interior to convey Paint Bank National Fish Hatchery and Wytheville National Fish Hatchery to the State of Virginia. It also provides that the property conveyed shall revert to the United States if it is used for any purpose other than for the State's fish culture program.

LEGISLATIVE HISTORY

On July 11, 2006, the bill was received, read twice and referred to the Senate Committee on Environment and Public Works. The committee met on September 13, 2006, to consider the bill. H.R. 5061 was ordered favorably reported by voice vote.

HEARINGS

No committee hearings were held on H.R. 5061.

ROLLCALL VOTES

The Committee on Environment and Public Works met to consider H.R. 5061 on September 13, 2006. The bill was ordered favorably reported by voice vote. No rollcall votes were taken.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee finds that H.R. 5061 does not create any additional regulatory burdens, nor will it cause any adverse impact on the personal privacy of individuals.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104–4), the committee finds that H.R. 5061 would not impose Federal intergovernmental unfunded mandates on State, local, or tribal governments.

COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be included in the report. That statement follows:

H.R. 5061, Paint Bank and Wytheville National Fish Hatcheries Conveyance Act, as ordered reported by the Senate Committee on Environment and Public Works on September 13, 2006

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 act.

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.

On June 27, 2006, CBO transmitted a cost estimate for H.R. 5061 as ordered reported by the House Committee on Resources on June 21, 2006. The two versions of the legislation are identical, as are the CBO cost estimates.

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

CHANGES IN EXISTING LAW

Section 12 of rule XXVI of the Standing Rules of the Senate requires the committee to publish changes in existing law made by the bill as reported. Passage of this bill will make no changes to existing law.

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