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SENATE

{ REPORT
112-190

McKINNEY LAKE NATIONAL FISH HATCHERY CONVEYANCE ACT

JULY 19, 2012.—Ordered to be printed

Mrs. BOXER, from the Committee on Environment and Public
Works, submitted the following

R E P O R T

[To accompany H.R. 1160]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred a bill (H.R. 1160) to require the Secretary of the Interior to convey the McKinney Lake National Fish Hatchery to the State of North Carolina, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

GENERAL STATEMENT AND BACKGROUND

The McKinney Lake National Fish Hatchery was established on December 27, 1937, and is located in Hoffman, North Carolina, between Southern Pines and Rockingham. This 422-acre site includes an estimated 100 acres for the warm water fish hatchery facility. The remaining acreage consists primarily of forested watershed including the 70-acre McKinney Lake, which serves as the water supply reservoir for the hatchery. The property also includes six buildings, three residences, and 23 earthen ponds.

As a result of cost cutting measures proposed by U.S. Fish and Wildlife Service in 1996, the facility was given to the State of North Carolina to operate under a Memorandum of Agreement (MOA). Under this agreement, the Commission assumes full responsibility for all costs and expenses related to operation of hatchery facilities. The MOA has been updated every three years. The N.C. Wildlife Resources Commission began stocking channel catfish from the McKinney Lake Hatchery in March 1998 and this stock-

ing program has become a major component of the State's urban fishing program. The State recently expressed interest in acquiring ownership of the property and the Service foresees no long term need to retain the facility or its water supply.

On May 12, 2011, the U.S. Fish and Wildlife Service testified before the House Natural Resources Committee, Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs in support of H.R. 1160 and the conveyance of the McKinney Lake National Fish Hatchery and its operations to the North Carolina Wildlife Resources Commission for the purposes of fish and wildlife management.

OBJECTIVES OF THE LEGISLATION

The McKinney Lake National Fish Hatchery Conveyance Act requires the Secretary of the Interior to convey the McKinney Lake National Fish Hatchery to the State of North Carolina for fishery and wildlife resource management and establishes conditions for use and reversion of the property under certain circumstances.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section provides that the Act may be cited as the "McKinney Lake National Fish Hatchery Conveyance Act".

Section 2. Conveyance of McKinney Lake National Fish Hatchery

Subsection (a) includes definitions for terms used in the Act.

Subsection (b) directs the Secretary of Interior within 180 days of enactment to convey without reimbursement, all right, title, and interest of the United States in and to the property known as the McKinney Lake National Fish Hatchery for use by the North Carolina Wildlife Resources Commission as a component of the fish and wildlife management program of the State.

Subsection (c) describes the location of the property known as the McKinney Lake National Fish Hatchery.

Subsection (d) requires that the property be used by the State for purposes relating to fishery and wildlife resources management. This subject also establishes conditions for the reversion of the property to the United States if it is not used for its intended purposes.

Subsection (e) requires that as a condition and term of the conveyance of the property that the State shall, upon the request of the Secretary, allow the United States Fish and Wildlife Service to use the property in cooperation with the Commission for propagation of any critically important aquatic resources and to address specific restoration or recovery needs of these resources.

LEGISLATIVE HISTORY

H.R. 1160 was introduced on March 17, 2011, by Congressman Larry Kissell (D-NC). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs. On May 12, 2011, the Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs held a hearing on the bill. On June 15, 2011, the Full Resources Committee ordered the bill favorably reported to the House

of Representatives by unanimous consent. On October 24, 2011, the House of Representatives voted 395–0 on the motion to suspend the rules and pass the bill.

On October 31, 2011, the bill was received in the Senate, read twice, and referred to the Committee on Environment and Public Works. The Committee met to consider H.R. 1160 on June 21, 2012. The bill was ordered favorably reported by voice vote.

HEARINGS

No committee hearings were held on H.R. 1160.

ROLLCALL VOTES

The Committee on Environment and Public Works met to consider H.R. 1160 on June 21, 2012. 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. 1160 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 notes that the Congressional Budget Office found, “H.R. 1160 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.”

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

JULY 2, 2012.

Hon. BARBARA BOXER,
Chairman, Committee on Environment and Public Works,
U.S. Senate, Washington, DC.

DEAR MADAM CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1160, the McKinney Lake National Fish Hatchery Conveyance Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jeff LaFave.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

H.R. 1160—McKinney Lake National Fish Hatchery Conveyance Act

H.R. 1160 would authorize the United States Fish and Wildlife Service (USFWS) to convey the McKinney Lake National Fish Hatchery to the state of North Carolina. The state currently manages the fish hatchery and pays all operating and maintenance costs under a Memorandum of Understanding with the agency. Under the act, the USFWS would retain the right to use fish hatchery facilities for certain purposes.

Based on information provided by the USFWS, CBO estimates that implementing the legislation would have no significant impact on the federal budget. Enacting H.R. 1160 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 1160 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 land conveyance authorized in the act would benefit North Carolina. Any costs to the state would be incurred voluntarily.

On June 30, 2011, CBO transmitted a cost estimate for H.R. 1160 as ordered reported by the House Committee on Natural Resources on June 15, 2011. That version of H.R. 1160 would require the USFWS to reimburse the state for any administrative costs associated with the agency's use of the fish hatchery after the conveyance. The Senate version of the legislation would not require such reimbursement. That difference is reflected in the cost estimates for the two versions of H.R. 1160.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by Theresa Gullo, 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.

