

the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 3462, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PAINT BANK AND WYTHEVILLE NATIONAL FISH HATCHERIES CONVEYANCE ACT

Mr. RADANOVICH. Madam Speaker, I move to suspend the rules and pass 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.

The Clerk read as follows:

H.R. 5061

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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.

(a) IN GENERAL.—Within 180 days after the date of the enactment of this Act, the Secretary of the Interior shall convey to the State of Virginia without reimbursement all right, title, and interest of the United States in and to the property described in subsection (b) for use by the Virginia Department of Fish and Game as part of the State of Virginia fish culture program.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) consists of—

(1) the real property comprising Paint Bank National Fish Hatchery and Wytheville National Fish Hatchery, located at Paint Bank and Wytheville, Virginia, respectively, as described in the 1982 Cooperative Agreement between the United States Fish and Wildlife Service and the State of Virginia;

(2) all improvements and related personal property under the control of the Secretary that is located on that real property, including buildings, structures, and equipment; and

(3) all easements, leases, and water rights relating to the property described in paragraphs (1) and (2).

(c) REVERSIONARY INTEREST.—If any of the property conveyed to the State of Virginia under this section is used for any purpose other than the use authorized under subsection (a), all right, title, and interest in and to all property conveyed under this section shall revert to the United States. The State of Virginia shall ensure that all property reverting to the United States under this subsection is in substantially the same or better condition as at the time of transfer to the State.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. RADANOVICH. Madam Speaker, I ask unanimous consent that all Mem-

bers may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RADANOVICH. Madam Speaker, I yield myself such time as I may consume.

I am pleased to support H.R. 5061, introduced by our colleagues, Congressmen Rick Boucher and Virgil Goode, to convey the Paint Bank and Wytheville National Fish Hatcheries to the State of Virginia.

This action is appropriate and timely since the State has been superbly operating these facilities for the past 23 years. During this time nearly 1 million brook, brown, and rainbow trout have been produced each year. In fact, this represents over 40 percent of the total amount of trout that have been stocked for public fishing in Virginia. These fish provide recreational opportunities for thousands of people.

This is not an example of the Federal Government's simply ridding itself of unwanted assets. These two hatcheries are not considered components of the National Fish Hatchery System, and the State of Virginia has demonstrated its commitment to manage these facilities effectively. In fact, the State has spent nearly \$400,000 in State resources to improve these hatcheries. However, to undertake additional renovations that may cost as much as \$4.5 million, it is necessary that ownership is transferred from the Federal Government. This is a position that is supported by all interested parties.

I urge an "aye" vote on this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I yield myself such time as I may consume.

(Mr. PALLONE asked and was given permission to revise and extend his remarks.)

Mr. PALLONE. Madam Speaker, we support this legislation that would transfer the Paint Bank and Wytheville National Fish Hatcheries to the Commonwealth of Virginia. Both hatcheries have been operated by the Commonwealth for several years under a long-term management agreement with the U.S. Fish and Wildlife Service. This conveyance will enable the State to finance improvements to upgrade these facilities which would otherwise be left unaddressed by the Fish and Wildlife Service.

I want to commend the bill's Democratic sponsor, Congressman Rick Boucher, for introducing this legislation which will enhance sports fishing opportunities in Virginia.

I urge Members to support this non-controversial bill.

Mr. BOUCHER. Madam Speaker, I rise in strong support of H.R. 5061, bi-partisan legislation which I introduced with my colleague from Virginia Mr. GOODE.

H.R. 5061 would simply convey two federal fish hatcheries located in the towns of Wytheville and Paint Bank in my Congressional district to the State of Virginia for continued operation by the Virginia Department of Game and Inland Fisheries. The legislation enjoys wide support and no opposition. The U.S. Fish and Wildlife Services as well as the State of Virginia both endorse the conveyance of these two properties.

The two facilities have been operated by the Virginia Department of Game and Inland Fisheries since 1983 under a 25 year lease agreement. In the early 1980's the federal government was in the process of divesting some federal hatcheries which were not involved in fish stock mitigation activities. The Wytheville and Paint Bank hatcheries are not used for fish stock mitigation and breed fish for recreational fishing only—both facilities provide brook, brown and rainbow trout for the stocking of streams on federal lands. At that time, Virginia expressed interest in operating the facilities under a 25 year lease agreement, and the State has been operating the facilities since that time. The lease is set to expire in 2008, and all parties are in agreement that a title transfer before that expiration date is appropriate.

The two facilities have an estimated combined economic effect of \$40 million annually and produced a combined total of approximately 290,729 pounds of trout during Fiscal Year 2005.

Since beginning operation of the facilities under the lease agreement, the State has made numerous investments in the two hatcheries. The State has invested approximately \$159,350 for improvements to the Wytheville facility and approximately \$230,000 at the Paint Bank facility.

In addition, during that time the facilities have been thoroughly tested for various contaminants, and there are now no contaminant issues associated with either hatchery. The State would like to continue operation and investment in the facilities for a variety of reasons. For example, in order for extensive capital expenditures or any federal funding to be used for additional improvements, the ownership must be transferred from the federal government. Given the fact that the State of Virginia would like to assume ownership and that the federal government has been making a broad effort to divest of non-mitigation related hatcheries, this conveyance is in the interest of all parties.

H.R. 5051 would simply transfer title of the Wytheville and Paint Bank Fish Hatcheries to the State of Virginia. I appreciate the work of Subcommittee Chairman GILCHREST and Ranking Member PALLONE as well as that of Chairman POMBO and Ranking Member RAHALL of the House Resources Committee in bringing this measure to the floor for consideration, and I urge its adoption.

Mr. PALLONE. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RADANOVICH. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 5061.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. RADANOVICH. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

CHERRY VALLEY NATIONAL WILDLIFE REFUGE STUDY ACT

Mr. RADANOVICH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5232) to direct the Secretary of the Interior to initiate and complete an evaluation of lands and waters located in Northeastern Pennsylvania for their potential acquisition and inclusion in a future Cherry Valley National Wildlife Refuge, and for other purposes.

The Clerk read as follows:

H.R. 5232

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cherry Valley National Wildlife Refuge Study Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The scenic Cherry Valley area of Northeastern Pennsylvania is blessed with more than 80 special-concern animal and plant species and natural habitats.

(2) In a preliminary assessment of Cherry Valley, United States Fish and Wildlife Service biologists ranked Cherry Valley very high as a potential national wildlife refuge.

(3) Six species that are listed as endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) have been documented within or near Cherry Valley: The bog turtle (possibly the most significant population of the listed subspecies), the dwarf wedge mussel, the northeastern bulrush, the small whorled pogonia, the bald eagle, and the Indiana bat (a historic resident, with efforts under way to re-establish favorable conditions).

(4) Cherry Valley provides habitat for at least 79 species of national or regional concern, which either nest in Cherry Valley or migrate through the area during critical times in their life cycle, including—

(A) neo-tropical migratory birds such as the Cerulean Warbler, the Worm-eating Warbler, and the Wood Thrush, all of which nest in Cherry Valley;

(B) waterfowl such as the American Black Duck;

(C) several globally rare plants, such as the spreading globeflower; and

(D) anadromous fish species.

(5) The Cherry Valley watershed encompasses a large segment of the Kittatinny Ridge, an important migration route for birds of prey throughout the Northeastern United States. Every migratory raptor species in the Northeast is regularly observed along the Kittatinny Ridge during the autumnal migration, including the bald eagle, the golden eagle, and the broad-winged hawk.

(6) The Kittatinny Ridge also includes a long segment of the Appalachian Trail, a nationally significant natural-cultural-recreational feature.

(7) Many of the significant wildlife habitats found in the Cherry Valley, especially the rare calcareous wetlands, have disappeared from other localities in their range.

(8) Ongoing studies have documented the high water quality of Cherry Creek.

(9) Public meetings over several years have demonstrated strong, deep, and growing local support for a Cherry Valley National Wildlife Refuge, as demonstrated by the following:

(A) Area landowners, business and community leaders, media, and elected officials have consistently voiced their enthusiasm for a Cherry Valley National Wildlife Refuge.

(B) Numerous local communities and public and private conservation entities share complementary goals for protecting Cherry Valley and are energetically conserving wildlife habitat and farmland. Along with State land-management agencies and the National Park Service, these local entities represent potential strong partners for the United States Fish and Wildlife Service, and view a Cherry Valley National Wildlife Refuge as a complement to existing private, county, municipal, and State efforts.

(C) A number of local landowners have already put their land into conservation easements or other conservation arrangements.

(D) A voter-approved Monroe County Open Space Fund and a voter-approved Stroud Township municipal land conservation fund have contributed to many of these projects.

(10) Two federally owned parcels of land are contiguous to the area to be studied under this Act as for acquisition and inclusion in a future Cherry Valley National Wildlife Refuge: The Delaware Water Gap National Recreation Area and a 700-acre segment of the Appalachian Trail owned by the National Park Service.

SEC. 3. STUDY OF REFUGE POTENTIAL AND FUTURE REFUGE LAND ACQUISITION.

(a) STUDY.—The Secretary shall initiate within 30 days after the date of the enactment of this Act a study to evaluate the fish and wildlife habitat and aquatic and terrestrial communities located in Northeastern Pennsylvania and identified on the map entitled, "Proposed Cherry Valley National Wildlife Refuge—Authorization Boundary", dated February 24, 2005, for their potential acquisition by the United States Fish and Wildlife Service through donation, exchange, or willing seller purchase and subsequent inclusion in a future Cherry Valley National Wildlife Refuge.

(b) CONSULTATION.—The Secretary, while conducting the study required under this section, shall consult appropriate State and local officials, private conservation organizations, major landowners and other interested persons, regarding the identification of eligible lands, waters, and interests therein that are appropriate for acquisition for a national wildlife refuge and the determination of boundaries within which such acquisitions should be made.

(c) COMPONENTS OF STUDY.—As part of the study under this section the Secretary shall do the following:

(1) Determine if the fish and wildlife habitat and aquatic and terrestrial communities to be evaluated are suitable for inclusion in the National Wildlife Refuge System and management under the policies of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.).

(2) Assess the conservation benefits to be gained from the establishment of a Cherry Valley National Wildlife Refuge including—

(A) preservation and maintenance of diverse populations of fish, wildlife, and plants, including species listed as threatened species or endangered species;

(B) protection and enhancement of aquatic and wetland habitats;

(C) opportunities for compatible wildlife-dependent recreation, scientific research, and environmental education and interpretation; and

(D) fulfillment of international obligations of the United States with respect to fish, wildlife, and their habitats.

(3) Provide an opportunity for public participation and give special consideration to views expressed by local public and private entities regarding lands, waters, and interests therein for potential future acquisition for refuge purposes.

(4) The total area of lands, water, and interests therein that may be acquired shall not in the aggregate exceed 30,000 acres.

(d) REPORT.—The Secretary shall, within 12 months after date of the enactment of this Act, complete the study required by this section and submit a report containing the results thereof to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate. The report shall include—

(1) a map that identifies and prioritizes specific lands, waters, and interests therein for future acquisition, and that delineates an acquisition boundary, for a potential Cherry Valley National Wildlife Refuge;

(2) a cost estimate for the acquisition of all lands, waters, and interests therein that are appropriate for refuge status; and

(3) an estimate of potentially available acquisition and management funds from non-Federal sources.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary \$200,000 to carry out the study.

SEC. 4. DEFINITIONS.

In this Act the term "Secretary" means the Secretary of the Interior acting through the Director of the United States Fish and Wildlife Service.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. RADANOVICH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RADANOVICH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased to support this legislation proposed by Congressmen PAUL KANJORSKI, CHARLES DENT, JIM GERLACH, and TIM HOLDEN, that will direct the Fish and Wildlife Service to evaluate the potential for creating a new Cherry Valley National Wildlife Refuge in Northeast Pennsylvania.

What this measure proposes is a unique approach. While the National Park Service has been following this "study first" model for many years, this may be the first time Congress has ever studied the possibility of creating a new national wildlife refuge. This is a sound conservation approach.