

MCKINNEY LAKE NATIONAL FISH HATCHERY  
CONVEYANCE ACT

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JULY 20, 2011.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

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Mr. HASTINGS of Washington, from the Committee on Natural  
Resources, 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 Natural Resources, to whom was referred the 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, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 1160 is to require the Secretary of the Interior to convey the McKinney Lake National Fish Hatchery to the State of North Carolina.

BACKGROUND AND NEED FOR LEGISLATION

The McKinney Lake National Fish Hatchery was established in 1939 in accordance with the provisions of the National Industrial Recovery Act of 1935 and Executive Order 7775. The U.S. Fish and Wildlife hatchery is situated entirely on lands acquired by the State of North Carolina and donated to the Service for fish hatchery purposes. For nearly 60 years, it produced millions of striped bass and other warm water fish species that were used for fish stocking purposes throughout the region. In 1996, the Service, using the authority of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act of 1958, signed a Memorandum of Understanding (MOU) with the North Carolina Wildlife Resources Commission allowing the Commission to operate the hatch-

ery facilities. Under this agreement, the State agreed to be fully responsible for all costs and expenses related to the hatchery facilities and any necessary improvements to them. This MOU has been reviewed and extended every three years. The Commission begun stocking channel catfish raised in the hatchery in March 1998.

The hatchery is comprised of 422 acres of land, 23 production ponds covering 18 acres of water, three residences, an office/shop building, a feed storage building and two pole sheds for storage. It has two permanent and two seasonal employees at the hatchery facilities. It produces approximately 150,000 channel catfish each year and it is the primary source of this species for the more than 40 lakes that participate in North Carolina's Community Fishing Program. These sites are intensively managed, they receive monthly stockings of fish from April through September and they feature a handicapped-accessible fishing pier. These sites are operated collectively by the Commission and local governments. The Commission provides 75 percent of the operating funds through the Sport Fish Restoration Fund; the remaining 25 percent come from the local municipalities. The hatchery obtains its water supply from the 80-acre McKinney Lake, and about 15,000 people visit the hatchery each year.

The McKinney Lake National Fish Hatchery is classified by the Service as a "Hatchery managed/operated by state" facility. This is not a unique designation. In fact, there are ten other hatcheries within this category, such as Clearwater National Fish Hatchery in Idaho, Berkshire National Fish Hatchery in Massachusetts, Meridian National Fish Hatchery in Mississippi and Lookingglass National Fish Hatchery in Oregon.

Since 1970, the Service has conveyed to states or local municipalities title and ownership to 24 national fish hatcheries through enactment of hatchery-specific public laws. The Service has consistently supported these conveyance bills. Their testimony has stated that, "The U.S. Fish and Wildlife Service has generally supported the transfer of Service fishery facilities to the States when these facilities no longer support Federal fishery programs."

This legislation, H.R. 1160, was introduced by Congressman Larry Kissell and nine other members of the North Carolina delegation. It contains standard language requiring the Secretary of the Interior to convey to the State of North Carolina, without reimbursement, all right, title, and interest of the United States in the McKinney National Fish Hatchery for use by the North Carolina Wildlife Resources Commission. It stipulates that should the hatchery be used for any other purpose other than channel catfish propagation, the property shall revert back to the United States. Finally, the bill allows the Secretary of the Interior, as a condition of conveyance, to retain the right to use the hatchery in the future, in cooperation with the Commission, for the propagation of any critically important aquatic resources to address specific restoration or recovery of such a resource. The proposal requires the Secretary to reimburse the Commission for the use of the hatchery.

#### COMMITTEE ACTION

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 met to consider the bill. The Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs was discharged 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 Natural Resources' oversight findings and recommendations are reflected in the body of this report.

#### COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) 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)(2)(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. 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. 1160—McKinney Lake National Fish Hatchery Conveyance Act*

H.R. 1160 would authorize the Secretary of the Interior to convey the McKinney Lake National Fish Hatchery to the state of North Carolina. Based on information provided by the United States Fish and Wildlife Service (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.

The state of North Carolina currently manages the fish hatchery and pays all operating and maintenance costs under a Memorandum of Understanding with the USFWS. Under the bill, the USFWS could use fish hatchery facilities for certain purposes if the agency reimbursed the state for any costs it incurred. The agency would make reimbursement payments from amounts made available in annual appropriation acts. Based on information provided by the USFWS regarding the operating budget for the fish hatchery, CBO estimates that any reimbursements would be less than \$150,000 a year.

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 bill would benefit North Carolina. Any costs to the state would be incurred voluntarily.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of 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. 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.

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.

#### EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

#### 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.

