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109TH CONGRESS }
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SENATE

{ REPORT
{ 109-339

TYLERSVILLE FISH HATCHERY 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 S. 3551]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred a bill (S. 3551) to direct the Secretary of the Interior to convey the Tylersville division of the Lamar National Fish Hatchery and Fish Technology Center to the State of Pennsylvania, having considered the same, reports favorably thereon and recommends that the bill, as amended, do pass.

GENERAL STATEMENT AND BACKGROUND

The Tylersville fish hatchery was originally constructed in 1963 by the U.S. Fish and Wildlife Service (Service) to produce and stock trout for recreation and enhancement on Federal lands. The hatchery was a division of the Lamar National Fish Hatchery and Technology Center and comprises about 40 acres. The hatchery was placed in caretaker status in 1977 when the Service began to curtail the trout enhancement program for Federal lands. In 1984, the Service entered into a 25-year agreement with the Pennsylvania Fish and Boat Commission (Commission) to maintain and operate the hatchery for the Commonwealth of Pennsylvania's recreational trout program. The hatchery has an excellent water supply, primarily supported from eight springs that originate from Big Fishing creek. The facility currently produces around 525,000 adult brook, rainbow, and brown trout per year—approximately 13 percent of the total trout production for the Commonwealth. These fish have an estimated annual economic impact in Pennsylvania of \$63 million. The Commission has made, and continues to make, substantial infrastructure investments in the Tylersville Fish Hatch-

ery. From 1988 through 2002, these infrastructure investments have been estimated at \$2 million. Currently, the Commonwealth is in the process of completing a wastewater treatment upgrade to meet National Pollution Discharge Elimination System (NPDES) requirements of the Pennsylvania Department of Environmental Resources.

With the end of the 25-year agreement nearing, the Service has determined that transferring the hatchery to the State of Pennsylvania is in the best interest of all parties and protects strong partnerships that have developed between the Service and State resource management officials. The transfer would protect the infrastructure investments made by the State and provide certainty for future planning and use of the facility, where the Service has no future plans to reinstitute Federal operation and production.

OBJECTIVES OF THE LEGISLATION

S. 3551 directs the Secretary of the Interior to convey the Tylersville division of the Lamar National Fish Hatchery and Fish Technology Center to the State of Pennsylvania. The bill also contains a reversion clause providing that the property conveyed shall revert to the United States, at the discretion of the Secretary, if it is used for any purpose other than for the fish culture program of the State.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section provides that this Act may be cited as the “Tylersville Fish Hatchery 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 the Tylersville division of the Lamar National Fish Hatchery and Fish Technology Center to the State of Pennsylvania. It also provides that the property conveyed shall revert to the United States, at the discretion of the Secretary, if it is used for any purpose other than for the State’s fish culture program.

LEGISLATIVE HISTORY

On June 21, 2006, Senator Santorum introduced S. 3551, which was cosponsored by Senator Specter. 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. S. 3551 was ordered favorably reported, as amended, by voice vote.

HEARINGS

No committee hearings were held on S. 3551.

ROLLCALL VOTES

The Committee on Environment and Public Works met to consider S. 3551 on September 13, 2006. The bill was ordered favor-

ably reported, as amended, 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 S. 3551 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 S. 3551 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:

S. 3551, Tylersville Fish Hatchery Conveyance Act, as ordered reported by the Senate Committee on Environment and Public Works on September 13, 2006

S. 3551 would direct the Secretary of the Interior to convey without reimbursement the Tylersville National Fish Hatchery to Pennsylvania. The transfer to the Pennsylvania Fish and Boat Commission would comprise all property interests, including about 40 acres of land, several buildings, and hatchery facilities.

Based on information provided by the U.S. Fish and Wildlife Service, CBO estimates that implementing S. 3551 would have no effect on the Federal budget. The fish hatchery is already being operated by the State at its own expense; that would continue under the bill.

S. 3551 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 Pennsylvania.

On July 26, 2006, CBO transmitted a cost estimate for H.R. 4957, the Tylersville Fish Hatchery Conveyance Act, as ordered reported by the House Committee on Resources on July 19, 2006. The two versions of the legislation are very similar, and the CBO cost estimates are identical.

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.

