

Calendar No. 493

105TH CONGRESS }
2d Session }

SENATE

{ REPORT
105-263

CONVEYANCE OF THE MARION NATIONAL FISH HATCHERY TO THE STATE OF ALABAMA

JULY 24, 1998.—Ordered to be printed

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

REPORT

[To accompany S. 1883]

The Committee on Environment and Public Works, to which was referred the bill (S. 1883) to direct the Secretary of the Interior to convey the Marion National Fish Hatchery and the Claude Harris National Aquacultural Research Center to the State of Alabama, and for other purposes, having considered the same, reports favorably thereon with amendments, and recommends that the bill, as amended, do pass.

GENERAL STATEMENT

The Marion National Fish Hatchery (NFH) is located in Perry County, Alabama, on the outskirts of Marion. In 1934, Congress established the site as a national fish hatchery. The original hatchery property consisted of approximately 600 acres of land, and was operated as a Federal fish production facility. Since 1974, about 300 acres of the Marion NFH has been operated by the Alabama Game and Fish Division, pursuant to a cooperative agreement with the U.S. Fish and Wildlife Service (the Service), which terminates on Sept. 30, 2033. The remaining 298 acres were converted into the Federal Southeastern Fish Culture Laboratory, subsequently renamed the Claude Harris National Aquacultural Research Center.

The Marion NFH is operated by the Alabama Game and Fish Division. During the past 24 years, the Game and Fish Division has undertaken numerous capital improvements at the Marion NFH, expending more than \$2 million. These improvements include construction and renovation of fish culture ponds, construction of a

new striped bass hatchery laboratory, a new fish holding house, a new warehouse and equipment storage building, and two chemical and equipment storage buildings. The property consists of 100 culture ponds with a total impounded surface area of more than 66 acres. In 1994, the property was valued at \$465,000, and structures have been assessed at \$1,062,000, according to the Realty Division of the U.S. Fish and Wildlife Service.

The Marion NFH supports the production of warmwater fish, such as channel catfish, bluegill, and largemouth bass. In the current fiscal year, the hatchery produced 345,000 bluegill, 86,860 channel catfish, 499,000 hybrid striped bass, 120,000 largemouth bass, and 377,000 striped bass. These fish are stocked in over 500,000 acres of public waters in the State of Alabama, and provide numerous recreational sport fish opportunities.

A cooperative agreement with the U.S. Fish and Wildlife Service and state fisheries management agencies in Alabama, Georgia and Florida seeks to restore the region's native race of striped bass, known as the Gulf striped bass, to its former range. The Marion NFH has contributed to these efforts by providing 1,250,000 Gulf striped bass fry and 188,000 fingerlings in 1997 for Federal and State programs in the region. In 1997, the Marion NFH was designated as the lead facility for the culture and propagation of the Alabama shovelnose sturgeon, a species that is a candidate for listing under the Endangered Species Act.

The Claude Harris National Aquacultural Research Center was closed in 1995, but in 1997, the use of the facilities at the Research Center was transferred to the Alabama Game and Fish Division, through a memorandum of agreement with the Service. The Game and Fish Division is currently using a portion of the pond space there to support State fish production programs of the Marion NFH, and plans to repair the pond facilities for long-term use. The Alabama Agriculture Experiment Station, a research institute affiliated with both the Game and Fish Division and Auburn University, has expressed an interest in operating in the Research Center.

OBJECTIVES OF THE LEGISLATION

The purpose of this legislation is to direct the Secretary of the Interior to convey the Marion National Fish Hatchery and the Claude Harris National Aquacultural Research Center to the State of Alabama.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides that the title of the Act is the "Marion National Fish Hatchery and Claude Harris National Aquacultural Research Center Conveyance Act".

Section 2. Conveyance of Marion National Fish Hatchery and Claude Harris National Aquacultural Research Center to the State of Alabama

Section 2(a) provides that within 180 days of enactment of this Act, the Secretary of the Interior shall convey to the State of Ala-

bama, without reimbursement, all right, title, and interest of the United States in and to the portion of the Marion NFH leased to the Game and Fish Division and the Claude Harris National Aquacultural Research Center. The properties shall be used by the Game and Fish Division of the Alabama Department of Conservation and Natural Resources as part of the fish culture program of the State of Alabama. As a condition of the conveyance, the Game and Fish Division shall offer to lease the Research Center to the Alabama Agriculture Experiment Station, at no cost to the Station or the Game and Fish Division, and for the period requested by the Station and provided by Alabama law.

Section 2(b) describes both the Marion NFH and Research Center as being located 7 miles northeast of Marion, Alabama, on State Highway 175, each consisting of approximately 300 and 298 acres of land, respectively, and including all buildings, structures, equipment, as well as all easements, leases, and water and timber rights relating to the properties. Amendment No. 2, referenced in section 2(b)(1)(A), was entered into on September 1, 1983 between the Service and the Alabama Game and Fish Division. The document entitled "EXHIBIT A," referenced in section 2(b)(1)(B), is attached to a cooperative agreement among the National Biological Service, the Service, and the Alabama Game and Fish Division, providing for the management of the Research Center, signed on September 25, 1996 by both Services, and on September 18, 1996 by the Division.

Section 2(c) mandates that the properties revert to the United States if used for any purpose other than as part of the State's fish culture program. Also, in the case of a reversion, the properties shall be returned to the United States by the State of Alabama in substantially the same condition as, or in better condition than, at the time of conveyance.

LEGISLATIVE HISTORY

S. 1883 was introduced by Senator Shelby, for himself and Senator Sessions, on March 31, 1998. A similar bill, H.R. 608, was introduced by Congressman Hilliard on February 5, 1997. No hearings were held on the bill. The committee met on July 22, 1998, to consider the bill. An amendment was offered by Senator Chafee and adopted by voice vote. The bill was ordered reported, as amended, by voice vote.

REGULATORY IMPACT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee makes the following evaluation of the regulatory impact of the bill. The bill does not create any additional regulatory burdens.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104-4), the committee finds that this bill would impose no Federal intergovernmental unfunded mandates on State, local, or tribal governments. All of its governmental directives are im-

posed on Federal agencies. The bill does not impose any private sector mandates.

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:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 23, 1998.

Hon. JOHN H. CHAFEE, *Chairman,*
Committee on Environment and Public Works,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1883, the Marion National Fish Hatchery and Claude Harris National Aquaculture Research Center Conveyance Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226-2860.

Sincerely,

JUNE E. O'NEILL,
Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 1883; Marion National Fish Hatchery and Claude Harris National Aquacultural Research Center Conveyance Act, as ordered reported by the Senate Committee on Environment and Public Works on July 22, 1998.

CBO estimates that enacting S. 1883 would have no impact on the Federal budget. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. S. 1883 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.

S. 1883 would direct the Secretary of the Interior to convey to the state of Alabama the Marion National Fish Hatchery and the Claude Harris National Aquacultural Research Center, without reimbursement. Because these facilities are already operated by the state or by other nonfederal entities (at their expense), CBO expects that implementing S. 1883 would have no impact on the federal budget.

The CBO staff contact is Deborah Reis, who can be reached at 226-2860. This estimate was approved by Paul N. Van de Water, Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW

Section 12 of rule XXVI of the Standing Rules of the Senate requires publication of any changes in existing law made by the reported bill. This bill does not change existing law.