

TESTIMONY OF GORDON MYERS
EXECUTIVE DIRECTOR
NORTH CAROLINA WILDLIFE RESOURCES COMMISSION

BEFORE THE HOUSE COMMITTEE ON NATURAL RESOURCES SUBCOMMITTEE ON
FISHERIES, WILDLIFE, OCEANS AND INSULAR AFFAIRS ON H.R. 1160, THE
MCKINNEY LAKE NATIONAL FISH HATCHERY CONVEYANCE ACT.

May 10, 2011

INTRODUCTION

Chairman Fleming, ranking member Sablan, and members of the subcommittee, I am Gordon Myers, executive director of the North Carolina Wildlife Resources Commission (Commission), a state agency whose mission is to conserve North Carolina's wildlife resources and their habitats and provide programs and opportunities that allow hunters, anglers, boaters and other outdoor enthusiasts to enjoy wildlife-associated recreation. I am grateful for the opportunity to come before you to provide testimony in support of H.R. 1160, The McKinney Lake National Fish Hatchery Conveyance Act.

BACKGROUND

The State of North Carolina acquired land to develop McKinney Lake under Title II of the National Industrial Recovery Act (NIRA) of 1933. The lake was constructed in 1934 through the Resettlement Administration of the WPA. Subsequently, McKinney Lake National Fish Hatchery was established in accordance with provisions of NIRA. The 422-acre parcel includes 24 rearing ponds, a 70-acre water supply lake and associated dam, hatchery building, several residences and a small lodge. The property also includes approximately 300-acres of forested watershed comprised largely of longleaf pine eco-type. From its inception until 1996, the federal government operated McKinney Lake National Fish Hatchery to support federal and state fishery-management objectives through production of warm water sport fish species.

In June 1995, the U.S. Fish and Wildlife Service (Service) notified the Commission that revised fishery-management responsibilities precipitated a decision to discontinue operations at McKinney Lake National Fish Hatchery (NFH). Following consultation with the Service, we determined that the hatchery and surrounding property would enhance our ability to meet state terrestrial and aquatic resource objectives. Accordingly, we worked with the Service to explore the potential to transfer the property to the State of North Carolina for incorporation into the state's fish hatchery and game lands programs. Conveyance to state ownership would, however, render McKinney Lake Dam subject to the North Carolina Dam Safety Act. Due diligence revealed significant deficiencies in the emergency spillway capacity and because property conveyance prior to addressing dam deficiencies would encumber the state with a noncompliant dam, an alternate course of action was developed.

In November 1996, the Service and the Commission entered into a Memorandum of Agreement that provided for the transition of operations to the state without immediate transfer of the liability and financial encumbrances associated with the dam. Under the terms of the agreement, the Service granted to the state a right of use and occupancy of the lands and improvements comprising McKinney Lake NFH. The State agreed to be fully responsible for all costs and expenses associated with operation and maintenance of all facilities and improvements within the property limits except for those costs attributed to the dam and spillway.

The Commission and the Service have operated the hatchery under the terms of these conditions, without interruption, since November 1996. During this period, the Commission administered projects to remediate McKinney Lake Dam and abate lead paint from hatchery residences. The funding for these projects was provided to the Commission from the Service through reimbursable agreements. In addition, the Commission has completed the following capital projects with Commission receipts:

- Replacement of four harvest kettles replacement and six water supply inlet structures at a total cost of \$874,855
- Renovations to the existing lodge to bring the structure into compliance with fire codes at a total cost of \$100,918
- Other miscellaneous projects that include a variety of small renovations to hatchery residences and construction of a public fishing pier and boat launch to enhance public use of McKinney Lake
- We are currently replacing a metal storage building at a estimated cost of \$65,000

The Commission is currently planning for the replacement of the remaining harvest kettles and water inlet structures at an estimated cost of \$1.7 million.

In addition to capital investment, the Commission has committed annual recurring funding for operations in the amount of \$360,000.

CURRENT USE

McKinney Lake National Fish Hatchery is an important element of the Commission's statewide hatchery system. It is one of two warmwater fish hatcheries operated by the Commission. Although the hatchery is used adaptively to meet fish production needs, its current primary focus is to produce channel catfish for the Commission's Community Fishing Program (CFP). The CFP is an active partnership between the Commission and local government, usually municipal or county parks, to provide public fishing opportunities in urban areas of North Carolina. This popular program integrates intensive fishery management with the infrastructure of parks to create enhanced fishing opportunities for families seeking enjoyable and economical trips within the safe confines of a park. The associated facilities often include disabled user accessible fishing piers, fish feeders, fish attractors, rod and reel loaners and other park amenities provided by the local partners.

In addition to providing infrastructure necessary to meet fish production objectives, the Commission also provides free public fishing access to McKinney Lake. Associated infrastructure includes a fishing pier and boat ramp for public use.

Because the property is also surrounded by state owned game lands, the approximate 300-acres of forested land surrounding the hatchery seamlessly integrates with the Commission's wildlife management and forest stewardship activities. The forested portion of the property is primarily comprised of longleaf pine forest, a priority habitat identified in North Carolina's State Wildlife Action Plan. Wildlife management activities on the property are largely focused managing this important habitat for federally endangered red-cockaded woodpeckers (RCW). Specific activities include monitoring, prescribed burning and selective timber management to manage for optimal RCW habitat.

Upon conveyance of the property to the state, we plan to examine opportunities to provide hunting access on the forested property located at the upper end of the lake.

TERMS OF TRANSFER

H.R. 1160 stipulates that the property shall revert to the United States should the property not be used for any purposes relating to fishery and wildlife resources management. Further, the bill also includes conveyance conditions that would require the State, upon request of the Secretary of the Interior, to allow the Service to use the property in cooperation with the Commission for propagation of critically important aquatic resources.

The terms of this agreement include acceptable measures to assure the perpetuation of fish and wildlife conservation uses for the property. The bill also includes adequate compensation requirements should the Service need to utilize the facility. Our longstanding cooperative partnership with the Service bolsters our confidence that any future needs subject to the provisions of Section 2(e) would be addressed cooperatively and to the satisfaction of each agency.

CONCLUSION

In closing, since its inception 75 years ago, McKinney Lake National Hatchery has helped further fish and wildlife conservation goals within and beyond North Carolina. It is an important and necessary element of North Carolina's statewide fish hatchery infrastructure. Currently, this hatchery enables the Commission to provide and sustain opportunities for North Carolinians in all parts of our state, most notably in urban areas, to participate in family friendly fishing activities. As an element of our statewide fish hatchery system, it will also provide critical capacity to adapt to evolving fish production needs in the future. Conveyance of McKinney Lake National Fish Hatchery to the State of North Carolina would ensure the continuation of the 75-year fish and wildlife conservation purpose of this facility.

We are fully prepared to remove this encumbrance from the Service and place it upon the Commission. I believe that subsequent to assuming operational and financial obligations in 1996, the Commission has demonstrated its full commitment and capacity to uphold this responsibility. On behalf of the Commission, thank you for the opportunity to express our utmost support H.R. 1160.

ADDITIONAL TESTIMONY FOR HR 1670, SIKES ACT AMENDMENTS ACT OF 2011

I would like to briefly share with you the support of the Association of Fish and Wildlife Agencies, of which all 50 states are members, for HR 1670, a bill bringing clarity to the Sikes Act application on certain Army National Guard bases.

The Association applauds the significant progress for fish and wildlife conservation that has been made through the cooperation of the Department of Defense (DoD) installations, US Fish and Wildlife Service (USFWS) and State fish and wildlife agencies since the passage of the Sikes Act Improvement Act in 1997. We can all be proud of the conservation benefits achieved from this often unknown and unheralded success story of public lands management on approximately 30 Million acres. Our successes have certainly substantiated that not only is achievement of the military preparedness mission and sound stewardship of the land and its fish and wildlife resources not mutually exclusive, they are indeed mutually necessary and beneficial.

The Association supports HR 1670 because it clarifies what we believe was originally intended, and that is the need for and application of Integrated Natural Resource Management Plans on, and funding eligibility for, Army National Guard bases where significant natural resources exist, and which installations are held under state title. Army National Guard bases are dedicated to fulfilling the military preparedness mission, and like other military installations, have historically worked closely with the state fish and wildlife agencies to enhance installation natural resource conservation. Most ANG bases under state title, in fact, have developed and are implementing INRMPs. Therefore, the Association supports the clarity brought to these bases by HR 1670.