

**Testimony of
John Harrington
Ketchikan Gateway Borough
On
HR 6628
Connell Lake Watershed Protection Act
September 11, 2008**

**House Natural Resources Committee
Subcommittee on Parks, Forests, and Public Lands**

Mr. Chairman, Congressman Young, members of the Subcommittee, my name is John Harrington. I am a member of the Ketchikan Gateway Borough Assembly in Ketchikan, Alaska. I am here today on behalf of the Borough to ask the Committee to pass HR 6628, The Connell Lake Watershed Protection Act. Congressman Young introduced this bill at the request of the Borough and passage of the bill is important to the Borough's management of the area at and surrounding Connell Lake.

In Alaska, a borough is the equivalent of a county government, and the Ketchikan Gateway Borough includes the Connell Lake area. The Borough has a great interest in this area because it has been owner and is likely to once again be the owner of the adjacent upland area at Ward Cove. We are attempting to manage the entire area as part of our comprehensive management plan, and it is important that the Borough own the land at Connell Lake to further this management.

Mr. Chairman, this issue is very important to the Borough. This is a small area, only 880 acres consisting of a natural lake which was enlarged by a dam constructed in the 1950's when the area was used by the now defunct Ketchikan Pulp Company. The company needed a water source and constructed a small dam to enlarge the already existing, natural Connell Lake. That lake has since served as a water source for the Ketchikan area and the Borough wishes to own and maintain the lake and the surrounding area.

If Ketchikan were not completely contained within the Tongass National Forest, there would be an easy solution, the Recreation and Public Purposes Act, which is specifically designed to solve problems like these. If these lands were in the public domain in the lower 48 states, the Bureau of Land Management would simply process a deed under that Act to allow the Borough to obtain ownership of the land subject to a reverter if the land is not used for either recreation or public purposes.

However, the Recreation and Public Purposes Act does not apply to the National Forest System. The Borough is completely surrounded by the Tongass Forest so Congress must approve the use of the Act for this purpose. This is not an unprecedented situation and Congress has passed similar legislation in the past. For example, in The Southern

Nevada Public Land Management act of 1998, P. L. 105-263, Congress approved a bill to allow this Act to be used in both southern Nevada and in the Tahoe Basin which lands became part of the National Forest System.

So, Mr. President, the Borough asks only that this bill be passed to allow local government to use the Act just as it would in Nevada or any other western state. The Borough is well able to handle this management and will maintain the current management which is as a recreational site and for water source and watershed protection. The full terms and conditions of the Recreation and Public Purposes Act would apply -- no exceptions are being asked.

As a local official, I can only say that there are frustrations with management from the U.S. Forest Service. For example, even though the Borough has managed this area under a complicated permit process, we cannot get any agreement to manage this area on a long term basis. We have asked the USFS for a long term permit, but for some reason, this is not possible. It is just not necessary for the Borough, the local government, to justify on an ongoing basis its need to manage the area which encompasses one of its primary watersheds and a recreational area in the Borough.

The best solution for this situation is to pass HR 6628 to allow this area to be conveyed to the Borough under the strict terms of the R and PP Act which requires management for a specific public purpose and which provides for a reverter to the United States if the terms of the Act are not followed.

The Borough looks forward to working with the Committee on passage of this bill. Once again, thank you for holding this hearing and thanks to Congressman Young for introducing the bill on our behalf. I will be happy answer any questions you might have.